*** § 266. Additional authority of the office; state assistance; approved amendments for eligible alcohol and substance abuse programs.**

1. Counties and the city of New York may submit approved amendments for alcohol and substance abuse programs as defined in this article as part of or in addition to an approved plan. In accordance with this article, nothing in this section shall prohibit the development of regional alcohol and substance abuse programs by two or more counties or cities with a population of one million or more.

2. Such approved amendments shall include a statement by the county or the city of New York indicating such municipality's understanding that funding for eligible alcohol and substance abuse programs shall be in accordance with subdivision four of this section and the municipality's commitment to meet the funding requirements as set forth in such subdivision.

3. For the purposes of carrying out the purpose of this section, of the amount made available in paragraph a of subdivision two of section two hundred sixty-five, state assistance of not less than seven million dollars shall be made available for approved amendments. Of this amount, no more than forty percent shall be made available for such state assistance to cities with a population of one million or more. The remaining amount shall be made available for such state assistance to counties outside such cities. The office shall apportion the amount available for approved amendments on an as needed basis, taking into consideration the analysis of the relationship between alcohol, drugs and crime, as required in this article, as well as other factors as may be required by the office.

4. The office may receive approved amendments and may amend approved plans in accordance with such approved amendments at any time. The office may enter into contracts to undertake the implementation of the approved amendments and any such municipality may enter into contracts with the office and with private organizations for such implementation. Any such contracts may include such provisions as may be agreed upon by the parties thereto, but shall include at least the following:

a. An estimate of the reasonable costs and need for the eligible alcohol and substance abuse programs;

b. An agreement by the office to reimburse the municipality in accordance with the following:

(i) In the first year of implementation and operation of the eligible alcohol and substance abuse program, the office shall reimburse to the municipality one hundred percent of the costs incurred, provided that, upon approval of the contract and consistent with implementation plans approved by the office, up to one-half of the state's share of the cost of such program may be immediately allocated to the municipality for purposes of implementation of the program. The balance of the state's share of the costs shall be allocated to the municipality in a manner determined by the office.

(ii) In the second year of operation of such eligible alcohol and substance abuse program, such program shall be included in the approved service plan submitted by the municipality and the office shall reimburse to the municipality seventy-five percent of the costs of approved expenditures. Municipalities shall provide at least twenty-five percent of costs of approved expenditures of the contract.

(iii) In the third and any subsequent year of operation of such alcohol and substance abuse program, such program shall be included in the approved service plan submitted by the municipality and the office shall reimburse to the municipality fifty percent of the costs of approved expenditures. Municipalities shall provide at least fifty percent of costs of approved expenditures of the contract.

In no event shall the state's share be used to replace expenditures previously incurred by the municipality for such alcohol and substance abuse programs;

c. An agreement by the municipality to provide for the payment of the municipality's share of the costs of the alcohol and substance abuse program or programs, and to proceed expeditiously with, and implement, such program or programs, as approved by the office; and

d. Any costs in excess of the amount provided for in this subdivision shall be the responsibility of the municipality, except as otherwise provided in this article.

* NB Repealed September 1, 2027