

HOUSE BILL 422

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By: **Delegate Rosenberg**

Introduced and read first time: January 23, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Opioid Restitution Fund – Office of the Chief Medical Examiner**

3 FOR the purpose of altering the authorized uses of the Opioid Restitution Fund to include
4 supporting the Office of the Chief Medical Examiner for a certain purpose; providing
5 for the effective date of this Act; and generally relating to the Opioid Restitution
6 Fund and the Office of the Chief Medical Examiner.

7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 7–331
10 Annotated Code of Maryland
11 (2015 Replacement Volume and 2019 Supplement)
12 (As enacted by Chapter 537 of the Acts of the General Assembly of 2019)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 7–331.

17 (a) In this section, “Fund” means the Opioid Restitution Fund.

18 (b) There is an Opioid Restitution Fund.

19 (c) The purpose of the Fund is to retain the amount of settlement revenues
20 deposited to the Fund in accordance with subsection (e)(1) of this section.

21 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
22 this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The State Treasurer shall hold the Fund separately, and the
2 Comptroller shall account for the Fund.

3 (e) The Fund consists of:

4 (1) all revenues received by the State from any source resulting, directly or
5 indirectly, from any judgment against, or settlement with, opioid manufacturers, opioid
6 research associations, or any other person in the opioid industry relating to any claims
7 made or prosecuted by the State to recover damages for violations of State law; and

8 (2) the interest earnings of the Fund.

9 (f) The Fund may be used only to provide funds for:

10 (1) improving access to medications proven to prevent or reverse an
11 overdose;

12 (2) supporting peer support specialists and screening, brief intervention,
13 and referral to treatment services for hospitals, correctional facilities, and other high-risk
14 populations;

15 (3) increasing access to medications that support recovery from substance
16 use disorders;

17 (4) expanding the Heroin Coordinator Program, including for
18 administrative expenses;

19 (5) expanding access to crisis beds and residential treatment services;

20 (6) expanding and establishing safe stations, mobile crisis response
21 systems, and crisis stabilization centers;

22 (7) supporting the Health Crisis Hotline;

23 (8) organizing primary and secondary school education campaigns to
24 prevent opioid use, including for administrative expenses;

25 (9) enforcing the laws regarding opioid prescriptions and sales, including
26 for administrative expenses;

27 (10) research regarding and training for substance use treatment and
28 overdose prevention, including for administrative expenses; [and]

29 (11) supporting and expanding other evidence-based interventions for
30 overdose prevention and substance use treatment; **AND**

31 **(12) SUPPORTING THE OFFICE OF THE CHIEF MEDICAL EXAMINER**

1 **FOR INCREASED CASELOADS DUE TO OPIOID OVERDOSE DEATHS.**

2 (g) (1) The State Treasurer shall invest the money of the Fund in the same
3 manner as other State money may be invested.

4 (2) Any interest earnings of the Fund shall be credited to the Fund.

5 (h) Expenditures from the Fund may be made only in accordance with the State
6 budget.

7 (i) (1) Money expended from the Fund for the programs and services described
8 under subsection (f) of this section is supplemental to and is not intended to take the place
9 of funding that otherwise would be appropriated for the programs and services.

10 (2) Except as specified in subsection (f) of this section, money expended
11 from the Fund may not be used for administrative expenses.

12 (j) The Governor shall:

13 (1) develop key goals, key objectives, and key performance indicators
14 relating to substance use treatment and prevention efforts;

15 (2) at least once annually, consult with substance use treatment and
16 prevention stakeholders, including consumers, providers, families, and advocates, to
17 identify recommended appropriations from the Fund; and

18 (3) report on or before November 1 each year, in accordance with § 2-1257
19 of the State Government Article, to the General Assembly on:

20 (i) an accounting of total funds expended from the Fund in the
21 immediately preceding fiscal year, by:

- 22 1. use;
- 23 2. if applicable, jurisdiction; and
- 24 3. budget program and subdivision;

25 (ii) the performance indicators and progress toward achieving the
26 goals and objectives developed under item (1) of this subsection; and

27 (iii) the recommended appropriations from the Fund identified in
28 accordance with item (2) of this subsection.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect on
30 the taking effect of Chapter 537 of the Acts of the General Assembly of 2019, and if Chapter
31 537 does not become effective, this Act, with no further action required by the General

1 Assembly, shall be null and void.