

SENATE BILL 751

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By: **Senator Klausmeier**

Introduced and read first time: February 1, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Opioid Restitution Advisory Council and Fund – Revisions**

3 FOR the purpose of requiring the Secretary of Health to present decisions for the allocations
4 of money from the Opioid Restitution Fund to the Opioid Restitution Fund Advisory
5 Council; requiring the Maryland Department of Health to post on the Department's
6 website certain information regarding allocations of money from the Fund; requiring
7 at least a certain amount of the Fund to be used for a certain purpose each year;
8 establishing reporting requirements on political subdivisions and the Secretary of
9 Health regarding expenditures of money received from the Fund by political
10 subdivisions; and generally relating to the Opioid Restitution Fund.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 7.5–901(a) and (b)
14 Annotated Code of Maryland
15 (2023 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 7.5–903(a)(6), 7.5–904(b), and 7.5–905
19 Annotated Code of Maryland
20 (2023 Replacement Volume)

21 BY repealing and reenacting, without amendments,
22 Article – State Finance and Procurement
23 Section 7–331(a)
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–331(f)
2 Annotated Code of Maryland
3 (2021 Replacement Volume and 2023 Supplement)

4 BY adding to
5 Article – State Finance and Procurement
6 Section 7–331(k) and (l)
7 Annotated Code of Maryland
8 (2021 Replacement Volume and 2023 Supplement)

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

11 **Article – Health – General**

12 7.5–901.

13 (a) In this subtitle the following words have the meanings indicated.

14 (b) “Council” means the Opioid Restitution Fund Advisory Council.

15 7.5–903.

16 (a) The Council consists of the following members:

17 (6) The [Executive Director of the Opioid Operational Command Center, or
18 the Executive Director’s designee] **SPECIAL SECRETARY OF OVERDOSE RESPONSE, OR**
19 **THE SPECIAL SECRETARY’S DESIGNEE;**

20 7.5–904.

21 (b) [The Opioid Operational Command Center] **MARYLAND’S OFFICE OF**
22 **OVERDOSE RESPONSE** shall provide appropriate staff necessary to support the functions
23 of the Council.

24 7.5–905.

25 (A) On or before November 1 each year, the Council shall provide specific findings
26 and recommendations in writing to the Governor and the Secretary regarding the
27 allocations of money from the Fund for expenditures consistent with uses of the Fund and
28 considering the following criteria:

29 (1) The number of people per capita with a substance use disorder in a
30 jurisdiction;

31 (2) Disparities in access to care in a jurisdiction that may preclude persons;

- 1 (3) The number of overdose deaths per capita in a jurisdiction;
- 2 (4) The programs, services, supports, or other resources currently available
3 to individuals with substance use disorders in a jurisdiction; and
- 4 (5) Disparities in access to care and health outcomes in a jurisdiction.

5 **(B) (1) WITHIN 2 MONTHS AFTER RECEIVING THE FINDINGS AND**
6 **RECOMMENDATIONS SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION, THE**
7 **SECRETARY SHALL PRESENT TO THE COUNCIL THE DECISIONS FOR THE**
8 **ALLOCATIONS OF MONEY FROM THE FUND.**

9 **(2) WITHIN 1 WEEK AFTER THE SECRETARY PRESENTS THE**
10 **DECISIONS FOR THE ALLOCATIONS OF MONEY UNDER PARAGRAPH (1) OF THIS**
11 **SUBSECTION, THE DEPARTMENT SHALL POST ON THE DEPARTMENT’S WEBSITE THE**
12 **FINDINGS AND RECOMMENDATIONS OF THE COUNCIL AND THE DECISIONS FOR THE**
13 **ALLOCATIONS OF MONEY FROM THE FUND.**

14 **Article – State Finance and Procurement**

15 7–331.

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

17 (f) **(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
18 **Fund may be used only to provide funds for:**

19 **[(1)] (I)** programs, services, supports, and resources for evidence–based
20 substance use disorder prevention, treatment, recovery, or harm reduction that have the
21 purpose of:

22 **[(i)] 1.** improving access to medications proven to prevent or
23 reverse an overdose;

24 **[(ii)] 2.** supporting peer support specialists and screening, brief
25 intervention, and referral to treatment services for hospitals, correctional facilities, and
26 other high–risk populations;

27 **[(iii)] 3.** increasing access to medications that support recovery
28 from substance use disorders;

29 **[(iv)] 4.** expanding the Heroin Coordinator Program, including for
30 administrative expenses;

1 [(v)] 5. expanding access to crisis beds and residential treatment
2 services for adults and minors;

3 [(vi)] 6. expanding and establishing safe stations, mobile crisis
4 response systems, and crisis stabilization centers;

5 [(vii)] 7. supporting the behavioral health crisis hotline;

6 [(viii)] 8. organizing primary and secondary school education
7 campaigns to prevent opioid use, including for administrative expenses;

8 [(ix)] 9. enforcing the laws regarding opioid prescriptions and
9 sales, including for administrative expenses;

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

12 [(xi)] 11. supporting and expanding other evidence-based
13 interventions for overdose prevention and substance use treatment;

14 (II) SUPPORTING COMMUNITY-BASED RECOVERY ORGANIZATIONS
15 IN THE STATE;

16 [(2)] (III) evidence-informed substance use disorder prevention, treatment
17 recovery, or harm reduction pilot programs or demonstration studies that are not
18 evidence-based if the Opioid Restitution Fund Advisory Council, established under §
19 7.5-902 of the Health – General Article:

20 [(i)] 1. determines that emerging evidence supports the
21 distribution of money for the pilot program or that there is a reasonable basis for funding
22 the demonstration study with the expectation of creating an evidence-based program; and

23 [(ii)] 2. approves the use of money for the pilot program or
24 demonstration study; and

25 [(3)] (IV) evaluations of the effectiveness and outcomes reporting for
26 substance use disorder abatement infrastructure, programs, services, supports, and
27 resources for which money from the Fund was used, including evaluations of the impact on
28 access to harm reduction services or treatment for substance use disorders and the
29 reduction in drug-related mortality.

30 (2) IN EACH FISCAL YEAR, AT LEAST 25% OF THE MONEY IN THE FUND
31 SHALL BE USED TO SUPPORT COMMUNITY-BASED RECOVERY ORGANIZATIONS IN
32 THE STATE.

1 **(K) ON OR BEFORE NOVEMBER 1 EACH YEAR, EACH POLITICAL**
2 **SUBDIVISION THAT RECEIVES MONEY EXPENDED FROM THE FUND SHALL:**

3 **(1) REPORT TO THE SECRETARY:**

4 **(I) THE AMOUNT OF MONEY RECEIVED FROM THE FUND THAT**
5 **WAS EXPENDED BY THE POLITICAL SUBDIVISION DURING THE IMMEDIATELY**
6 **PRECEDING FISCAL YEAR; AND**

7 **(II) A DESCRIPTION OF HOW THE MONEY WAS EXPENDED; AND**

8 **(2) POST THE REPORT SUBMITTED TO THE SECRETARY UNDER ITEM**
9 **(1) OF THIS SUBSECTION ON THE POLITICAL SUBDIVISION’S WEBSITE.**

10 **(L) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT SHALL**
11 **SUBMIT THE EXPENDITURE REPORTS SUBMITTED UNDER SUBSECTION (K) OF THIS**
12 **SECTION TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE**
13 **STATE GOVERNMENT ARTICLE.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2024.