

HOUSE BILL 1274

B1, J1

9lr2253

By: ~~Delegate Rosenberg~~ Delegates Rosenberg, Pendergrass, Pena-Melnyk, Bagnall, Barron, Carr, Charles, Chisholm, Cullison, Hill, Johnson, Kelly, Kerr, Kipke, Krebs, R. Lewis, Metzgar, Morgan, Saab, Sample-Hughes, Szeliga, and K. Young

Introduced and read first time: February 8, 2019

Assigned to: Appropriations and Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Opioid Restitution Fund**

3 FOR the purpose of establishing the Opioid Restitution Fund as a special, nonlapsing fund;
4 specifying the purpose of the Fund; requiring the State Treasurer to hold the Fund,
5 and the Comptroller to account for the Fund; specifying the contents of the Fund;
6 specifying the purpose for which the Fund may be used; providing for the investment
7 of money in and expenditures from the Fund; requiring interest earnings of the Fund
8 to be credited to the Fund; exempting the Fund from a certain provision of law
9 requiring interest earnings on State money to accrue to the General Fund of the
10 State; providing that expenditures from the Fund shall be made in accordance with
11 the State budget; requiring the Governor to develop certain goals, objectives, and
12 indicators, to consult with certain stakeholders at least once annually for a certain
13 purpose, and to report to the General Assembly on or before a certain date each year;
14 defining a certain term; making this Act subject to a certain contingency; and
15 generally relating to the Opioid Restitution Fund.

16 BY repealing and reenacting, without amendments,
17 Article – State Finance and Procurement
18 Section 6–226(a)(2)(i)
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – State Finance and Procurement
 3 Section 6–226(a)(2)(ii)112. and 113.
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2018 Supplement)

6 BY adding to
 7 Article – State Finance and Procurement
 8 Section 6–226(a)(2)(ii)114. and 7–331
 9 Annotated Code of Maryland
 10 (2015 Replacement Volume and 2018 Supplement)

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

13 **Article – State Finance and Procurement**

14 6–226.

15 (a) (2) (i) Notwithstanding any other provision of law, and unless
 16 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 17 terms of a gift or settlement agreement, net interest on all State money allocated by the
 18 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 19 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 20 Fund of the State.

21 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 22 to the following funds:

23 112. the Pretrial Services Program Grant Fund; [and]

24 113. the Veteran Employment and Transition Success Fund;

25 **AND**

26 **114. THE OPIOID RESTITUTION FUND.**

27 **7–331.**

28 **(A) IN THIS SECTION, “FUND” MEANS THE OPIOID RESTITUTION FUND.**

29 **(B) THERE IS AN OPIOID RESTITUTION FUND.**

30 **(C) THE PURPOSE OF THE FUND IS TO RETAIN THE AMOUNT OF**
 31 **SETTLEMENT REVENUES DEPOSITED TO THE FUND IN ACCORDANCE WITH**
 32 **SUBSECTION (E)(1) OF THIS SECTION.**

1 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
2 SUBJECT TO § 7-302 OF THIS SUBTITLE.

3 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
4 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

5 (E) THE FUND CONSISTS OF:

6 (1) ALL REVENUES RECEIVED BY THE STATE FROM ANY SOURCE
7 RESULTING, DIRECTLY OR INDIRECTLY, FROM ANY JUDGMENT AGAINST, OR
8 SETTLEMENT WITH, OPIOID MANUFACTURERS, OPIOID RESEARCH ASSOCIATIONS,
9 OR ANY OTHER PERSON IN THE OPIOID INDUSTRY RELATING TO ANY CLAIMS MADE
10 OR PROSECUTED BY THE STATE TO RECOVER DAMAGES FOR VIOLATIONS OF STATE
11 LAW; AND

12 (2) THE INTEREST EARNINGS OF THE FUND.

13 (F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDS FOR:

14 (1) IMPROVING ACCESS TO ~~NALOXONE~~ MEDICATIONS PROVEN TO
15 PREVENT OR REVERSE AN OVERDOSE;

16 (2) SUPPORTING PEER SUPPORT SPECIALISTS AND SCREENING,
17 BRIEF INTERVENTION, AND REFERRAL TO TREATMENT SERVICES FOR HOSPITALS,
18 CORRECTIONAL FACILITIES, AND OTHER HIGH-RISK POPULATIONS;

19 (3) INCREASING ACCESS TO MEDICATIONS THAT SUPPORT RECOVERY
20 FROM SUBSTANCE USE DISORDERS;

21 (4) EXPANDING THE HEROIN COORDINATOR PROGRAM, INCLUDING
22 FOR ADMINISTRATIVE EXPENSES;

23 (5) EXPANDING ACCESS TO CRISIS BEDS AND RESIDENTIAL
24 TREATMENT SERVICES;

25 (6) EXPANDING AND ESTABLISHING SAFE STATIONS, MOBILE CRISIS
26 RESPONSE SYSTEMS, AND CRISIS STABILIZATION CENTERS;

27 (7) SUPPORTING THE HEALTH CRISIS HOTLINE;

28 (8) ORGANIZING PRIMARY AND SECONDARY SCHOOL EDUCATION
29 CAMPAIGNS TO PREVENT OPIOID USE, INCLUDING FOR ADMINISTRATIVE EXPENSES;

1 **(9) ENFORCING THE LAWS REGARDING OPIOID PRESCRIPTIONS AND**
2 **SALES, INCLUDING FOR ADMINISTRATIVE EXPENSES; AND**

3 **(10) RESEARCH REGARDING AND TRAINING FOR SUBSTANCE USE**
4 **TREATMENT AND OVERDOSE PREVENTION, INCLUDING FOR ADMINISTRATIVE**
5 **EXPENSES; AND**

6 **(11) SUPPORTING AND EXPANDING OTHER EVIDENCE-BASED**
7 **INTERVENTIONS FOR OVERDOSE PREVENTION AND SUBSTANCE USE TREATMENT**
8 **AND PREVENTION PROGRAMS.**

9 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
10 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

11 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
12 **THE FUND.**

13 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
14 **WITH THE STATE BUDGET.**

15 **(I) (1) MONEY EXPENDED FROM THE FUND FOR THE PROGRAMS AND**
16 **SERVICES DESCRIBED UNDER SUBSECTION (F) OF THIS SECTION IS SUPPLEMENTAL**
17 **TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE**
18 **WOULD BE APPROPRIATED FOR THE PROGRAMS AND SERVICES.**

19 **(2) EXCEPT AS SPECIFIED IN SUBSECTION (F) OF THIS SECTION,**
20 **MONEY EXPENDED FROM THE FUND MAY NOT BE USED FOR ADMINISTRATIVE**
21 **EXPENSES.**

22 **(J) ~~FOR EACH PROGRAM AND SERVICE THAT RECEIVES AN APPROPRIATION~~**
23 **~~FROM THE FUND, THE~~ THE GOVERNOR SHALL:**

24 **(1) ~~DEVELOP APPROPRIATE STATEMENTS OF VISION, MISSION, KEY~~**
25 **~~GOALS, KEY OBJECTIVES, AND KEY PERFORMANCE INDICATORS~~ RELATING TO**
26 **SUBSTANCE USE TREATMENT AND PREVENTION EFFORTS ~~AND REPORT THE~~**
27 **~~STATEMENTS IN A DISCRETE PART OF THE STATE BUDGET SUBMISSION, WHICH~~**
28 **~~SHALL ALSO PROVIDE DATA FOR KEY PERFORMANCE INDICATORS; AND~~**

29 **(2) AT LEAST ONCE ANNUALLY, CONSULT WITH SUBSTANCE USE**
30 **TREATMENT AND PREVENTION STAKEHOLDERS, INCLUDING CONSUMERS,**
31 **PROVIDERS, FAMILIES, AND ADVOCATES, TO IDENTIFY RECOMMENDED**
32 **APPROPRIATIONS FROM THE FUND; AND**

1 **(3) REPORT ON OR BEFORE NOVEMBER 1 EACH YEAR, IN**
2 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE**
3 **GENERAL ASSEMBLY ON:**

4 **(I) AN ACCOUNTING OF TOTAL FUNDS EXPENDED FROM THE**
5 **FUND IN THE IMMEDIATELY PRECEDING FISCAL YEAR, BY:**

6 **1. USE;**

7 **2. IF APPLICABLE, JURISDICTION; AND**

8 **3. BUDGET PROGRAM AND SUBDIVISION; ~~AND~~**

9 **(II) ~~THE SPECIFIC OUTCOMES OR PUBLIC BENEFITS RESULTING~~**
10 **~~FROM THAT EXPENDITURE~~ THE PERFORMANCE INDICATORS AND PROGRESS**
11 **TOWARD ACHIEVING THE GOALS AND OBJECTIVES DEVELOPED UNDER ITEM (1) OF**
12 **THIS SUBSECTION; AND**

13 **(III) THE RECOMMENDED APPROPRIATIONS FROM THE FUND**
14 **IDENTIFIED IN ACCORDANCE WITH ITEM (2) OF THIS SUBSECTION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) Section 1 of this Act shall take effect contingent on a judgment by a State or
17 federal court against, or settlement with, opioid manufacturers, opioid research
18 associations, or any other person in the opioid industry relating to any claims made or
19 prosecuted by the State to recover damages for violations of State law, and shall take effect
20 on the date that notice from the Attorney General is received by the Department of
21 Legislative Services under subsection (b) of this section.

22 (b) If the Attorney General determines that an event satisfying the contingency
23 has occurred, the Attorney General shall notify the Department of Legislative Services.

24 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of
25 Section 2 of this Act, this Act shall take effect July 1, 2019.