

SB0954/913721/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 954
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “**Opioids – Opioid Restitution Advisory Council and Fund and Overdose Response Program**”; in line 4, after the first “of” insert “authorizing the Attorney General to direct that a Opioid Restitution Fund Advisory Council committee be formed if required by a court or administrative order or settlement agreement entered into by the Attorney General;”; in the same line, after “Health” insert “, subject to the limitations of the State budget;”; in line 8, after “provided;” insert “applying the requirement that the appropriation and distribution of funds in the Opioid Restitution Fund that were received in accordance with certain opioid–related final distributor and settlement agreements be made in a certain manner to funds received in accordance with any opioid–related court or administrative judgment or settlement agreement;”; in the same line, strike “the Overdose Response Program” and substitute “opioids”; in line 11, after “Section” insert “7.5–903(f), 7.5–904, and”; and after line 13, insert:

“BY repealing and reenacting, without amendments,
Article - State Finance and Procurement
Section 7–331(a) through (c)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article - State Finance and Procurement
Section 7–331(h)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“7.5–903.

(f) [With] SUBJECT TO § 7.5–904(C) OF THIS SUBTITLE, WITH the consent of the Council, the chair may designate additional individuals with relevant expertise to serve on a committee of the Council in an advisory capacity.

7.5–904.

(a) (1) [The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE Council may adopt procedures necessary to do business, including the creation of committees.

(2) The Council may consult with State agencies to carry out the duties of the Council.

(3) The Council shall meet at least four times a year.

(4) A majority of the voting members of the Council is a quorum.

(b) The Opioid Operational Command Center shall provide appropriate staff necessary to support the functions of the Council.

(c) (1) IF REQUIRED BY A COURT OR ADMINISTRATIVE ORDER OR A SETTLEMENT AGREEMENT ENTERED INTO BY THE ATTORNEY GENERAL, THE ATTORNEY GENERAL MAY DIRECT THAT A COUNCIL COMMITTEE BE FORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT.

(2) THE ATTORNEY GENERAL SHALL ESTABLISH PROCEDURES FOR A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ORDER TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THE COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONDUCT ONLY BUSINESS RELATED TO THE PURPOSE OF THE COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT THAT REQUIRED THE FORMATION OF THE SUBCOMMITTEE.

(II) A COMMITTEE MAY CONDUCT BUSINESS RELATED TO MULTIPLE COURT OR ADMINISTRATIVE ORDERS OR SETTLEMENT AGREEMENTS IF THE COURT OR ADMINISTRATIVE ORDERS OR SETTLEMENT AGREEMENTS CONTAIN IDENTICAL REQUIREMENTS.

(4) A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONSIST ONLY OF MEMBERS OF THE COUNCIL.

(5) UNLESS OTHERWISE PROVIDED IN A COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT, THE CHAIR OF THE COUNCIL, OR THE CHAIR'S DESIGNEE, SHALL BE CHAIR OF A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION."

On page 2, in line 26, after "SHALL" insert ", SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET,"; after line 30, insert:

"Article – State Finance and Procurement

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

(b) There is an Opioid Restitution Fund.

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

(h) (1) Expenditures from the Fund may be made only in accordance with the State budget.

(2) For settlement funds received in accordance with the final distributor agreement of July 21, 2021, with McKesson Corporation, Amerisource Bergen Corporation, and Cardinal Health Incorporated, as amended, [or] the Janssen settlement agreement of July 21, 2021, as amended, **OR ANY OTHER OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT INVOLVING THE STATE AND ONE OR MORE OF ITS POLITICAL SUBDIVISIONS:**

(i) appropriations from the Fund in the State budget shall be made in accordance with the allocation and distribution of funds to the State and its political subdivisions:

1. as agreed on in the State–subdivision agreement of January 21, 2022, as amended; **OR**

2. **REQUIRED UNDER ANY OTHER OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, OR ANY SIMILAR AGREEMENT REACHED UNDER AN OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, INVOLVING THE STATE AND ONE OR MORE OF ITS POLITICAL SUBDIVISIONS; and**

(ii) the Secretary of Health shall establish and administer a grant program for the distribution of funds to political subdivisions of the State in accordance with:

1. the State–subdivision agreement of January 21, 2022,
as amended; OR

2. THE REQUIREMENTS OF ANY OTHER OPIOID–RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, OR ANY SIMILAR AGREEMENT REACHED UNDER AN OPIOID–RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, INVOLVING THE STATE AND ONE OR MORE OF ITS POLITICAL SUBDIVISIONS.

(3) The Attorney General shall identify and designate the controlling version of any agreement or amendment described under paragraph (2) of this subsection.”;

and in line 32, strike “October” and substitute “July”.