

SENATE BILL 954

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CF HB 571

By: **Senator Klausmeier**

Introduced and read first time: February 24, 2023

Assigned to: Rules

Re-referred to: Finance, March 3, 2023

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Overdose Response Program – Opioid Overdose Reversal Drugs – Choice of~~
3 ~~Formulation and Dosage~~
4 Opioids – Opioid Restitution Advisory Council and Fund and Overdose
5 Response Program

6 FOR the purpose of authorizing the Attorney General to direct that an Opioid Restitution
7 Fund Advisory Council committee be formed if required by a court or administrative
8 order or settlement agreement entered into by the Attorney General; requiring the
9 Maryland Department of Health, subject to the limitations of the State budget, to
10 allow certain entities provided opioid overdose reversal drugs by the Department
11 under the Overdose Response Program to choose the formulation or dosage of opioid
12 overdose reversal drugs approved by the federal Food and Drug Administration with
13 which the entity is to be provided; applying the requirement that the appropriation
14 and distribution of funds in the Opioid Restitution Fund that were received in
15 accordance with certain opioid-related final distributor and settlement agreements
16 be made in a certain manner to funds received in accordance with any opioid-related
17 court or administrative judgment or settlement agreement; and generally relating to
18 the ~~Overdose Response Program~~ opioids.

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 7.5–903(f), 7.5–904, and 13–3103
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2022 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, without amendments,
 2 Article – State Finance and Procurement
 3 Section 7–331(a) through (c)
 4 Annotated Code of Maryland
 5 (2021 Replacement Volume and 2022 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – State Finance and Procurement
 8 Section 7–331(h)
 9 Annotated Code of Maryland
 10 (2021 Replacement Volume and 2022 Supplement)

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

13 **Article – Health – General**

14 7.5–903.

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

18 7.5–904.

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

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

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

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

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

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

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

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

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

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

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

20 13-3103.

21 (a) The Department shall adopt regulations necessary for the administration of
22 the Program.

23 (b) The Department may:

24 (1) Collect fees necessary for the administration of the Program;

25 (2) Authorize private or public entities to conduct education and training
26 on opioid overdose recognition and response that include:

27 (i) Education on recognizing the signs and symptoms of an opioid
28 overdose;

29 (ii) Training on responding to an opioid overdose, including the
30 administration of opioid overdose reversal drugs approved by the federal Food and Drug
31 Administration; and

1 (iii) Access to opioid overdose reversal drugs approved by the federal
2 Food and Drug Administration and the necessary supplies for the administration of the
3 opioid overdose reversal drugs;

4 (3) Develop guidance regarding the content of educational training
5 programs conducted by private or public entities; and

6 (4) Collect and report data on the operation and results of the programs.

7 (c) An individual is not required to obtain training and education on opioid
8 overdose recognition and response from a private or public entity under subsection (b) of
9 this section in order for a pharmacist to dispense an opioid overdose reversal drug approved
10 by the federal Food and Drug Administration to the individual.

11 (d) (1) Subject to the limitations of the State budget, the Department shall
12 purchase and provide opioid overdose reversal drugs approved by the federal Food and
13 Drug Administration, at no cost, to the providers who are required to offer opioid overdose
14 reversal drugs approved by the federal Food and Drug Administration under § 8–408 or §
15 19–310.3 of this article.

16 (2) An entity required to offer an opioid overdose reversal drug approved
17 by the federal Food and Drug Administration under § 8–408 or § 19–310.3 of this article
18 may provide an opioid overdose reversal drug approved by the federal Food and Drug
19 Administration only if the opioid overdose reversal drug approved by the federal Food and
20 Drug Administration is provided by the Department.

21 **(3) THE DEPARTMENT SHALL, SUBJECT TO THE LIMITATIONS OF THE**
22 **STATE BUDGET, ALLOW AN ENTITY THAT IS PROVIDED WITH OPIOID OVERDOSE**
23 **REVERSAL DRUGS BY THE DEPARTMENT UNDER THIS SUBSECTION TO CHOOSE THE**
24 **FORMULATION OR DOSAGE OF OPIOID OVERDOSE REVERSAL DRUGS APPROVED BY**
25 **THE FEDERAL FOOD AND DRUG ADMINISTRATION WITH WHICH THE ENTITY IS TO**
26 **BE PROVIDED.**

27 **Article – State Finance and Procurement**

28 7–331.

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

30 (b) There is an Opioid Restitution Fund.

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

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

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

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

10 1. as agreed on in the State-subdivision agreement of
11 January 21, 2022, as amended; OR

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

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 ~~October~~ July 1, 2023.