

Chapter 851

(Senate Bill 751)

AN ACT concerning

Public Health – Opioid Restitution Advisory Council and Fund – Revisions

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

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

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

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

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–331(f)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

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

Article – Health – General

7.5–901.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Council” means the Opioid Restitution Fund Advisory Council.

7.5–903.

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

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

7.5–904.

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

7.5–905.

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

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

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

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

Article – State Finance and Procurement

7-331.

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

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

~~(1) (i)~~ programs, services, supports, and resources for evidence-based substance use disorder prevention, treatment, recovery, or harm reduction that have the purpose of:

~~(i) 1~~ improving access to medications proven to prevent or reverse an overdose;

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

~~(iii) 3~~ increasing access to medications that support recovery from substance use disorders;

~~(iv) 4~~ expanding the Heroin Coordinator Program, including for administrative expenses;

~~(v) 5~~ expanding access to crisis beds and residential treatment services for adults and minors;

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

~~(vii) 7~~ supporting the behavioral health crisis hotline;

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

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

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

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

~~(H) (2) SUPPORTING COMMUNITY-BASED NONPROFIT RECOVERY ORGANIZATIONS THAT PROVIDE NONCLINICAL SUBSTANCE USE RECOVERY SUPPORT SERVICES IN THE STATE;~~

[(2)] ~~(H) (3)~~ evidence-informed substance use disorder prevention, treatment recovery, or harm reduction pilot programs or demonstration studies that are not evidence-based if the Opioid Restitution Fund Advisory Council, established under § 7.5-902 of the Health – General Article:

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

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

[(3)] ~~(IV) (4)~~ evaluations of the effectiveness and outcomes reporting for substance use disorder abatement infrastructure, programs, services, supports, and resources for which money from the Fund was used, including evaluations of the impact on access to harm reduction services or treatment for substance use disorders and the reduction in drug-related mortality.

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

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

~~(1) REPORT TO THE SECRETARY;~~

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

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

~~(2) POST THE REPORT SUBMITTED TO THE SECRETARY UNDER ITEM (1) OF THIS SUBSECTION ON THE POLITICAL SUBDIVISION'S WEBSITE.~~

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

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2024, the Maryland Department of Health shall examine and report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on the best process for making all of the expenditures of all opioid settlement agreements entered into by the State, counties, and municipal governments accessible to the public.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 16, 2024.