HOUSE BILL 728

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5lr2502 CF SB 495

By: Delegate Rosenberg Delegates Rosenberg, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Guzzone, Hill, S. Johnson, Kaiser, Kerr, Lopez, Martinez, Taveras, Woods, Woorman, and Ross

Introduced and read first time: January 27, 2025 Assigned to: Health and Government Operations

Committee Report: Favorable with amendments House action: Adopted Read second time: March 3, 2025

CHAPTER _____

1 AN ACT concerning

 $\mathbf{2}$

Opioid Restitution Fund – Authorized Uses

FOR the purpose of altering the allowable uses of the Opioid Restitution Fund to provide
funds for the operating expenses and personnel costs for investigations, enforcement
actions, and other activities conducted by the Opioids Enforcement Unit within the
Office of the Attorney General that are related to the recovery of funds from
opioid-related judgments and settlements; and generally relating to the Opioid
Restitution Fund.

- 9 BY repealing and reenacting, without amendments,
- 10 Article State Finance and Procurement
- 11 Section 7–331(a) through (e)
- 12 Annotated Code of Maryland
- 13 (2021 Replacement Volume and 2024 Supplement)
- 14 BY repealing and reenacting, with amendments,
- 15 Article State Finance and Procurement
- 16 Section 7–331(f)
- 17 Annotated Code of Maryland
- 18 (2021 Replacement Volume and 2024 Supplement)
- 19 BY adding to
- 20 <u>Article State Finance and Procurement</u>

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



HOUSE BILL 728

$egin{array}{c} 1 \\ 2 \\ 3 \end{array}$	<u>Section 7–331(k)</u> <u>Annotated Code of Maryland</u> <u>(2021 Replacement Volume and 2024 Supplement)</u>
4 5	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
6	Article – State Finance and Procurement
7	7–331.
8	(a) In this section, "Fund" means the Opioid Restitution Fund.
9	(b) There is an Opioid Restitution Fund.
10 11	(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.
$\begin{array}{c} 12\\ 13 \end{array}$	(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of this subtitle.
$\begin{array}{c} 14 \\ 15 \end{array}$	(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.
16	(e) The Fund consists of:
17 18 19 20	(1) all revenues received by the State from any source resulting, directly or indirectly, from any judgment against, or settlement with, opioid manufacturers, opioid research associations, or any other person in the opioid industry relating to any claims made or prosecuted by the State to recover damages for violations of State law; and
21	(2) the interest earnings of the Fund.
22	(f) The Fund may be used only to provide funds for:
$\begin{array}{c} 23\\ 24\\ 25 \end{array}$	(1) programs, services, supports, and resources for evidence-based substance use disorder prevention, treatment, recovery, or harm reduction that have the purpose of:
26 27 28	(i) improving access to medications proven to prevent or reverse an overdose, including by supporting the initiative to co-locate naloxone with automated external defibrillators placed in public buildings under § 13–518 of the Education Article;
29 30 31	(ii) supporting peer support specialists and screening, brief intervention, and referral to treatment services for hospitals, correctional facilities, and other high-risk populations;

 $\mathbf{2}$

HOUSE BILL 728

1 (iii) increasing access to medications that support recovery from $\mathbf{2}$ substance use disorders; 3 (iv) expanding the Heroin Coordinator Program, including for 4 administrative expenses; $\mathbf{5}$ (v) expanding access to crisis beds and residential treatment 6 services for adults and minors; 7 expanding and establishing safe stations, mobile crisis response (vi) systems, and crisis stabilization centers; 8 9 supporting the behavioral health crisis hotline; (vii) 10 (viii) organizing primary and secondary school education campaigns to prevent opioid use, including for administrative expenses; 11 12enforcing the laws regarding opioid prescriptions and sales, (ix) 13including for administrative expenses; 14research regarding and training for substance use treatment and (x) 15overdose prevention, including for administrative expenses; and 16 supporting and expanding other evidence-based interventions (xi) 17for overdose prevention and substance use treatment; 18 supporting community-based nonprofit recovery organizations that (2)19 provide nonclinical substance use recovery support services in the State; 20(3)evidence-informed substance use disorder prevention, treatment 21recovery, or harm reduction pilot programs or demonstration studies that are not 22evidence-based if the Opioid Restitution Fund Advisory Council, established under § 7.5–902 of the Health – General Article: 2324determines that emerging evidence supports the distribution of (i) 25money 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 2627(ii) approves the use of money for the pilot program or demonstration study; [and] 2829evaluations of the effectiveness and outcomes reporting for substance (4)30 use disorder abatement infrastructure, programs, services, supports, and resources for 31 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 3233 drug-related mortality; AND

1 (5) **OPERATING** EXPENSES AND PERSONNEL COSTS FOR $\mathbf{2}$ INVESTIGATIONS, ENFORCEMENT ACTIONS, AND OTHER ACTIVITIES CONDUCTED BY 3 THE OPIOIDS ENFORCEMENT UNIT WITHIN THE OFFICE OF THE ATTORNEY OF 4 GENERAL THAT ARE RELATED TO THE RECOVERY FUNDS FROM **OPIOID-RELATED JUDGMENTS OR SETTLEMENTS.** $\mathbf{5}$

6 <u>(K)</u> <u>BEGINNING ON OR BEFORE OCTOBER 1, 2025, AND EACH OCTOBER 1</u> 7 <u>THEREAFTER, THE OFFICE OF THE ATTORNEY GENERAL SHALL REPORT TO THE</u> 8 <u>GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT</u> 9 <u>ARTICLE, THE GENERAL ASSEMBLY ON THE STATUS OF ACTIVITY OF THE OPIOIDS</u> 10 <u>ENFORCEMENT UNIT, INCLUDING:</u>

11 (1) THE NUMBER OF INVESTIGATIONS TAKING PLACE;

12 (2) <u>THE NUMBER OF LAWSUITS FILED; AND</u>

13 (3) <u>THE DISPOSITION OF LAWSUITS FILED.</u>

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 1, 2025. It shall remain effective for a period of 4 years and, at the end of June 30, 2029,
 this Act, with no further action required by the General Assembly, shall be abrogated and
 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

4