

SENATE BILL 495

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5lr2942
CF HB 728

By: **Senator Ellis**

Introduced and read first time: January 23, 2025

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Opioid Restitution Fund – Authorized Uses**

3 FOR the purpose of altering the allowable uses of the Opioid Restitution Fund to provide
4 funds for the operating expenses and personnel costs for investigations, enforcement
5 actions, and other activities conducted by the Opioids Enforcement Unit within the
6 Office of the Attorney General that are related to the recovery of funds from
7 opioid-related judgments and settlements; and generally relating to the Opioid
8 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 Article – State Finance and Procurement
21 Section 7–331(k)
22 Annotated Code of Maryland

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.



(2021 Replacement Volume and 2024 Supplement)

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

Article – State Finance and Procurement

7–331.

(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.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of this subtitle.

(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(e) The Fund consists of:

(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

(2) the interest earnings of the Fund.

(f) The Fund may be used only to provide funds for:

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

(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;

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

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

1 (iv) expanding the Heroin Coordinator Program, including for
2 administrative expenses;

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

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

7 (vii) supporting the behavioral health crisis hotline;

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

10 (ix) enforcing the laws regarding opioid prescriptions and sales,
11 including for administrative expenses;

12 (x) research regarding and training for substance use treatment and
13 overdose prevention, including for administrative expenses; and

14 (xi) supporting and expanding other evidence-based interventions
15 for overdose prevention and substance use treatment;

16 (2) supporting community-based nonprofit recovery organizations that
17 provide nonclinical substance use recovery support services in the State;

18 (3) evidence-informed substance use disorder prevention, treatment
19 recovery, or harm reduction pilot programs or demonstration studies that are not
20 evidence-based if the Opioid Restitution Fund Advisory Council, established under §
21 7.5-902 of the Health – General Article:

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

25 (ii) approves the use of money for the pilot program or demonstration
26 study; [and]

27 (4) evaluations of the effectiveness and outcomes reporting for substance
28 use disorder abatement infrastructure, programs, services, supports, and resources for
29 which money from the Fund was used, including evaluations of the impact on access to
30 harm reduction services or treatment for substance use disorders and the reduction in
31 drug-related mortality; AND

32 **(5) OPERATING EXPENSES AND PERSONNEL COSTS FOR**
33 **INVESTIGATIONS, ENFORCEMENT ACTIONS, AND OTHER ACTIVITIES CONDUCTED BY**

1 THE OPIOIDS ENFORCEMENT UNIT WITHIN THE OFFICE OF THE ATTORNEY
2 GENERAL THAT ARE RELATED TO THE RECOVERY OF FUNDS FROM
3 OPIOID-RELATED JUDGMENTS OR SETTLEMENTS.

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

9 (1) THE NUMBER OF INVESTIGATIONS TAKING PLACE;

10 (2) THE NUMBER OF LAWSUITS FILED; AND

11 (3) THE DISPOSITION OF LAWSUITS FILED.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2025. It shall remain effective for a period of 4 years and, at the end of June 30, 2029,
14 this Act, with no further action required by the General Assembly, shall be abrogated and
15 of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.