1	L.D. 1722			
2	Date: (Filing No. H- )			
3	HEALTH AND HUMAN SERVICES			
4	Reproduced and distributed under the direction of the Clerk of the House.			
5	STATE OF MAINE			
6	HOUSE OF REPRESENTATIVES			
7	130TH LEGISLATURE			
8	SECOND REGULAR SESSION			
9 10 11	COMMITTEE AMENDMENT "" to H.P. 1277, L.D. 1722, "An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers"			
12	Amend the bill by striking out the emergency preamble and substituting the following:			
13 14	' <b>Emergency preamble. Whereas,</b> acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and			
15 16 17	Whereas, the substance use crisis, driven significantly by opioids, has killed thousands of Maine residents, including 505 individuals who died of drug overdoses in 2020 and over 600 in 2021, and devastated families and communities across the State; and			
18 19 20 21 22	Whereas, addressing substance use disorder, overdoses and drug-related harms will require dedicating resources and directing opioid litigation proceeds to establish, sustain and expand substance use disorder abatement infrastructure, programs, services, supports and resources for prevention, treatment, recovery and harm reduction in Maine and represents a critically important step toward the work to be done; and			
23 24 25 26 27	Whereas, the State anticipates the imminent receipt of substantial payments based on lawsuits made against manufacturers and distributors of prescription opioid analgesics, pharmacies that dispensed prescription opioid analgesics and related parties for their alleged roles in contributing to the high rates of substance use disorder, drug overdoses and other drug-related harms; and			
28 29 30	Whereas, experience with the 1990s tobacco settlements suggests that, without firm commitment and planning, the opioid litigation proceeds may not be directed toward preventing and addressing substance use disorder, overdoses and drug-related harms; and			
31 32 33 34	Whereas, funds derived from settlement of or damages granted in these lawsuits are anticipated to begin being distributed this year, and the Maine Recovery Council should be formed and resources provided as soon as possible so that the money received by the State as a result of lawsuits related to manufacturers and distributors of prescription opioid			

Page 1 - 130LR1450(02)

3

4

5

6

analgesics, pharmacies that dispensed prescription opioid analgesics and related parties is
 able to immediately be put to use to help remediate and abate the substance use crisis; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

7 Amend the bill by striking out everything after the enacting clause and before the 8 emergency clause and inserting the following:

9 'Sec. 1. 5 MRSA §203-A, as enacted by PL 1991, c. 532, §1 and affected by §2, is
10 amended to read:

#### 11 §203-A. Accounts established due to court orders or other settlements

12 Unless specifically ordered by the court to do otherwise or for revenue or money 13 received under section 203-B, the Attorney General shall work with the Treasurer of State 14 to deposit any revenue or money received as a result of any court order, court settlement or other agreement into an other special revenue account of the State and all interest must be 15 16 credited to the General Fund. When, pursuant to a court order or settlement, the Attorney 17 General receives money that is specifically designated for antitrust enforcement or for enforcement of the Maine Unfair Trade Practices Act, the Attorney General is authorized 18 19 to expend such funds for expert witness fees, copying of documents, transcripts and any 20 other purpose in accordance with the court order. Any interest on such funds, unless 21 otherwise ordered by the court, must be credited to the General Fund. The Attorney General shall provide an accounting of such funds to the Legislature in a form and as 22 determined by the Office of Fiscal and Program Review. 23

24 Sec. 2. 5 MRSA §203-B is enacted to read:

### 25 <u>§203-B. Funds received pursuant to court orders or other settlements of opioid crisis</u> 26 <u>litigation</u>

27 Notwithstanding section 203-A and unless specifically ordered by the court to do 28 otherwise, the Attorney General may work with the Treasurer of State to deposit identified revenue or money received as a result of any court order or other agreement resulting from 29 litigation against, or any court settlement with, an opioid manufacturer, an opioid research 30 31 association or any other person in the opioid industry relating to claims made by or prosecuted by the State into the Maine Recovery Fund described by the Maine State 32 Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement 33 34 Funds, dated and signed on January 26, 2022, and including Schedule A, Core Strategies and Schedule B, Approved Uses for spending on approved uses as directed by the Maine 35 36 Recovery Council as established in section 12004-I, subsection 93.

- 37 Sec. 3. 5 MRSA §203-C is enacted to read:
- 38 §203-C. Maine Recovery Council
- 39 <u>1. Definitions. As used in this section, unless the context indicates otherwise, the</u>
   40 <u>following terms have the following meanings.</u>
- 41A. "Approved uses" means the substance use disorder abatement purposes defined as42"Approved Uses" in the memorandum of understanding.

Page 2 - 130LR1450(02)

1 2	B. "Maine Recovery Fund" means the fund described by the memorandum of understanding.			
3 4 5 6	C. "Memorandum of understanding" means the Maine State Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds, dated and signed on January 26, 2022, including Schedule A, Core Strategies and Schedule B, Approved Uses.			
7 8 9	<b>2.</b> Maine Recovery Council established. The Maine Recovery Council, as established in section 12004-I, subsection 93 and referred to in this section as "the council," shall direct the disbursement of funds within the Maine Recovery Fund for approved uses.			
10 11	3. Membership. The council is composed of the 11 members identified by the memorandum of understanding and of 4 additional voting members as follows:			
12 13	A. One member who is a medical professional with direct experience providing medication-assisted treatment, appointed by the President of the Senate;			
14 15	B. One member representing reentry services for incarcerated and formerly incarcerated individuals and their families, appointed by the President of the Senate;			
16 17	C. One member representing a nonprofit community-based provider of mental health treatment, appointed by the Speaker of the House; and			
18 19	D. One member representing the harm reduction community, appointed by the Speaker of the House.			
20 21 22	In making these appointments, the President of the Senate and the Speaker of the House shall endeavor to select individuals that reflect the racial, ethnic, gender and indigenous diversity of the State.			
23 24 25 26	<b>4. Vacancy.</b> In the event of a vacancy in the council membership, the vacancy must be filled in the manner of the original appointment for the remainder of the term. For the purposes of reappointment, any partial term filled after a vacancy must be considered a full term.			
27 28 29 30 31	<b>5. Report.</b> The Attorney General shall, by February 1st of each year, submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters describing the activities of the council and the status of the Maine Recovery Fund and listing information on disbursements from the fund and information related to the outcomes of funded activities.			
32	Sec. 4. 5 MRSA §12004-I, sub-§93 is enacted to read:			
33	<u>93.</u>			
34 35	AttorneyMaine Recovery CouncilExpenses Only5 MRSAGeneral\$203-C			
36 37	Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.			
38	ATTORNEY GENERAL, DEPARTMENT OF THE			
39	Maine Recovery Fund N960			
40 41	Initiative: Provides a baseline allocation for disbursement of funds deposited from recently settled opioid litigation.			

Page 3 - 130LR1450(02)

COMMITTEE AMENDMENT " " to H.P. 1277, L.D. 1722

1 2	OTHER SPECIAL REVENUE FUNDS All Other	<b>2021-22</b> \$500	<b>2022-23</b> \$500		
3 4	OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500		
5	1				
6 7	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.				
8	SUMMARY				
9	This amendment replaces the bill. The amendment provides that funds received from				
10	opioid litigation may be deposited into the account described by a memorandum of				
11	understanding between the Attorney General's office and local stakeholders to receive				
12	funding from recently settled litigation. The memorandum establishes the terms under				
13	which these funds may be spent. The amendment establishes the Maine Recovery Council				
14	to direct fund disbursement. The amendment requires the Attorney General to, by February				
15	1st of each year, submit a report to the joint standing committee of the Legislature having				
16	jurisdiction over health and human services matters describing the activities of the council				
17	and the status of the Maine Recovery Fund and listing information on fund disbursements				
18	and information related to the outcomes of funded activities				
19	The amendment also adds an appropriations and allocation	ons section.			
20	FISCAL NOTE REQUIRED				
21	(See attached)				

Page 4 - 130LR1450(02)