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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

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”

Amend the bill by striking out the emergency preamble and substituting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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

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

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

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

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

COMMITTEE AMENDMENT

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

3 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
4 the meaning of the Constitution of Maine and require the following legislation as
5 immediately necessary for the preservation of the public peace, health and safety; now,
6 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
15 other agreement into an other special revenue account of the State and all interest must be
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
18 enforcement of the Maine Unfair Trade Practices Act, the Attorney General is authorized
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
22 General shall provide an accounting of such funds to the Legislature in a form and as
23 determined by the Office of Fiscal and Program Review.

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

25 **§203-B. Funds received pursuant to court orders or other settlements of opioid crisis**
26 **litigation**

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
29 revenue or money received as a result of any court order or other agreement resulting from
30 litigation against, or any court settlement with, an opioid manufacturer, an opioid research
31 association or any other person in the opioid industry relating to claims made by or
32 prosecuted by the State into the Maine Recovery Fund described by the Maine State
33 Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement
34 Funds, dated and signed on January 26, 2022, and including Schedule A, Core Strategies
35 and Schedule B, Approved Uses for spending on approved uses as directed by the Maine
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 **1. Definitions.** As used in this section, unless the context indicates otherwise, the
40 following terms have the following meanings.

41 A. "Approved uses" means the substance use disorder abatement purposes defined as
42 "Approved Uses" in the memorandum of understanding.

1 B. "Maine Recovery Fund" means the fund described by the memorandum of
2 understanding.

3 C. "Memorandum of understanding" means the Maine State Subdivision
4 Memorandum of Understanding and Agreement Regarding Use of Settlement Funds,
5 dated and signed on January 26, 2022, including Schedule A, Core Strategies and
6 Schedule B, Approved Uses.

7 **2. Maine Recovery Council established.** The Maine Recovery Council, as
8 established in section 12004-I, subsection 93 and referred to in this section as "the council,"
9 shall direct the disbursement of funds within the Maine Recovery Fund for approved uses.

10 **3. Membership.** The council is composed of the 11 members identified by the
11 memorandum of understanding and of 4 additional voting members as follows:

12 A. One member who is a medical professional with direct experience providing
13 medication-assisted treatment, appointed by the President of the Senate;

14 B. One member representing reentry services for incarcerated and formerly
15 incarcerated individuals and their families, appointed by the President of the Senate;

16 C. One member representing a nonprofit community-based provider of mental health
17 treatment, appointed by the Speaker of the House; and

18 D. One member representing the harm reduction community, appointed by the Speaker
19 of the House.

20 In making these appointments, the President of the Senate and the Speaker of the House
21 shall endeavor to select individuals that reflect the racial, ethnic, gender and indigenous
22 diversity of the State.

23 **4. Vacancy.** In the event of a vacancy in the council membership, the vacancy must
24 be filled in the manner of the original appointment for the remainder of the term. For the
25 purposes of reappointment, any partial term filled after a vacancy must be considered a full
26 term.

27 **5. Report.** The Attorney General shall, by February 1st of each year, submit a report
28 to the joint standing committee of the Legislature having jurisdiction over health and
29 human services matters describing the activities of the council and the status of the Maine
30 Recovery Fund and listing information on disbursements from the fund and information
31 related to the outcomes of funded activities.

32 **Sec. 4. 5 MRSA §12004-I, sub-§93** is enacted to read:

33 **93.**

34 Attorney Maine Recovery Council Expenses Only 5 MRSA
35 General §203-C

36 **Sec. 5. Appropriations and allocations.** The following appropriations and
37 allocations are made.

38 **ATTORNEY GENERAL, DEPARTMENT OF THE**

39 **Maine Recovery Fund N960**

40 Initiative: Provides a baseline allocation for disbursement of funds deposited from recently
41 settled opioid litigation.

1	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
2	All Other	\$500	\$500
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>

5

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
7 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 allocations section.

20

FISCAL NOTE REQUIRED

21

(See attached)