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

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)**