

OFFICE OF POLICY AND LEGAL ANALYSIS

Date: March 3, 2022

To: Joint Standing Committee on Health & Human Services

From: Samuel Senft, Esq., MPH, Legislative Analyst

LD 1722 An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers

SUMMARY: This bill directs all funds awarded through opioid litigation and settlements to the Opioid and Substance Use Abatement Fund administered by the Attorney General for the purpose of remediating and addressing the substance use crisis in Maine through prevention, intervention, treatment and recovery. These funds may not supplant federal funding or state appropriations directed toward prevention, intervention, treatment and recovery or funds received from prior opioid litigation and settlements or court orders.

The bill also establishes the Maine Opioid and Substance Use Abatement Advisory Commission to review opioid and substance use related information and determine how Opioid and Substance Use Abatement Fund funds are to be spent to carry out the purposes of the fund. The bill requires the Attorney General to convene, at least twice annually, a stakeholder group to develop and review performance indicators and to develop and provide recommendations concerning disbursements and allocations from the fund to recommend to the commission. The bill requires the Attorney General to award fund funds as directed by the commission and to annually report and provide information about received and expended funds to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

AMENDMENT

The sponsor has proposed an amendment. The amendment replaces the original bill and reflects the current status of litigation by referring to the Maine State-Subdivisions MOU and Exhibits Regarding Opioid Settlement Funds.

ISSUES FROM TESTIMONY:

Note: The public hearing for this bill was held May 21, 2021

- Commenters emphasized the need for inclusion of the recovery committee and other diverse voices on the Advisory Commission, including those advocating for harm reduction and those from geographically diverse areas of the state.
- It was suggested that settlement funds be protected from being diverted to the general fund.

- It was suggested that the bill should provide better for reinvestment strategies.
- The AG suggested that section 3, subsection 4 of the bill be amended to replace “recognized path” with “evidence based path”

ADDITIONAL INFORMATION

- [Press Release, Attorney General Aaron Frey Announces Agreement for Distribution of Opioid Settlement Funds](#) (January 22, 2022)
- [Maine State-Subdivisions MOU and Exhibits Regarding Opioid Settlement Funds](#)
- [MOU with School Districts Regarding Opioid Settlement Funds](#)
- [Distributor Settlement Agreement; Exhibit G – Qualified Subdivisions with Consolidated Allocations](#)
- [Janssen/ Johnson and Johnson Settlement Agreement](#)

FISCAL IMPACT: Not yet determined