

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

OPIOID LITIGATION PROCEEDS: SUMMARY OF STATE LAWS

DECEMBER 2022



LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

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SUMMARY

In 2014, several U.S. cities and counties filed lawsuits against drug manufacturers, alleging that the companies' aggressive marketing practices fueled a national opioid addiction epidemic that subsequently killed hundreds of thousands.¹ Since then, over 3,000 state and local governments filed lawsuits of their own seeking to recoup the billions of dollars these entities spent—and continue to spend—on the fallout of the epidemic.² The result of these legal efforts is a series of ongoing monetary settlements, greater than \$32 billion to date,³ on a scale not seen since the Big Tobacco settlements of the 1990s.⁴

The example of the Big Tobacco settlements serves as a cautionary tale: of the billions of dollars states received—and still receive—only a fraction went towards their intended purpose of reducing tobacco use.⁵ Some states used the funds to pay off unrelated debts or fill budget holes.⁶ Over the last two years, many states enacted laws to avoid a similar fate for opioid litigation settlement funds, putting in place legal restrictions to guarantee the money is spent on addressing the opioid epidemic.

In this document, the Legislative Analysis and Public Policy Association (LAPPA) examines this state-level legislative response to opioid manufacturer and distributor litigation. As of December 2022, 31 states have laws that apply to proceeds from opioid litigation settlements: Colorado, Connecticut, Delaware, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and Wisconsin. In 2022, legislators in another six jurisdictions have introduced bills on the subject: California, the District of Columbia, Georgia, Illinois, Louisiana, and New Jersey. Of these pieces of legislation, the bills in Georgia and Louisiana failed; the remainder are still under consideration. See the map below for a visual representation.

¹ Jan Hoffman, *Companies Finalize \$26 Billion Deal With States and Cities to End Opioid Lawsuits*, THE NEW YORK TIMES (Feb. 25, 2022), <https://www.nytimes.com/2022/02/25/health/opioids-settlement-distributors-johnson.html>.

² *Opioids*, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (2022), <https://www.naag.org/issues/opioids/>.

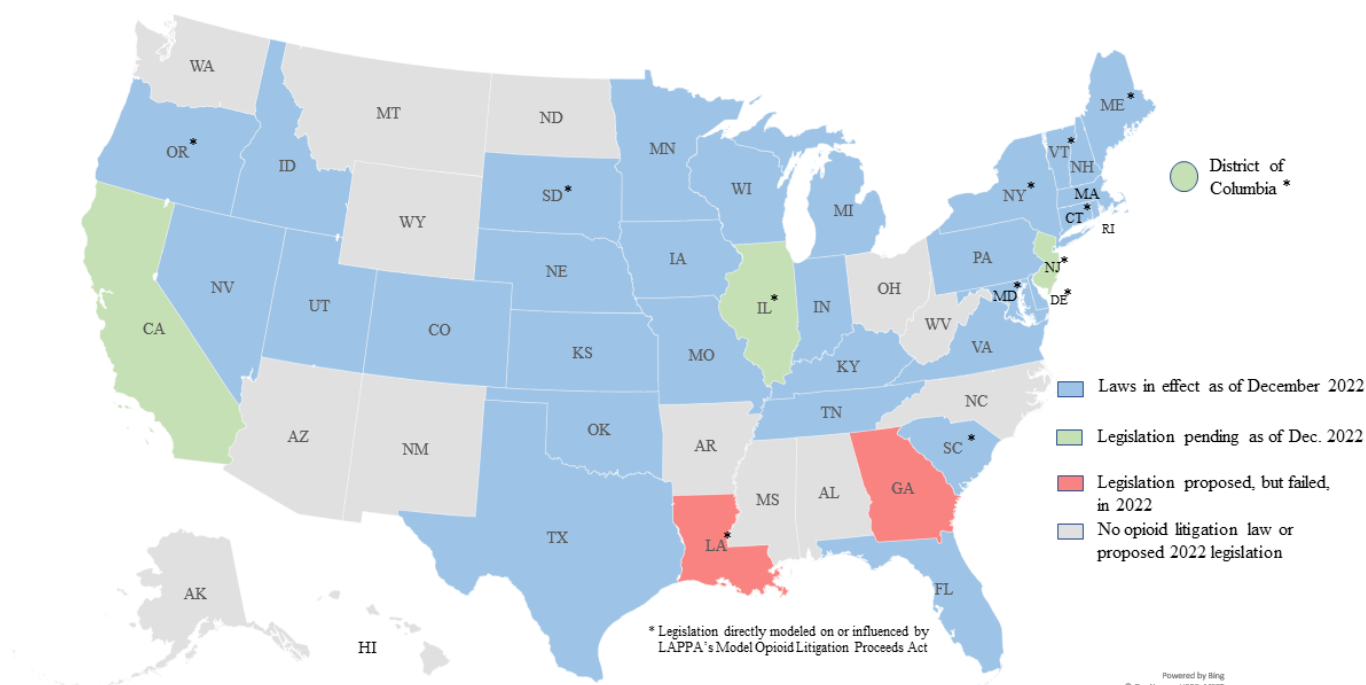
³ *It's Looking Like At Least \$32 Billion*, OPIOID SETTLEMENT TRACKER, <https://www.opioidsettlementtracker.com/globalsettlementtracker> (last visited May 23, 2022).

⁴ THE NEW YORK TIMES, *supra* note 1.

⁵ Editorial Staff, *Who is Really Benefiting from the Tobacco Settlement Money?*, AM. LUG ASS'N (Feb. 3, 2016), <https://www.lung.org/blog/who-benefit-tobacco-settlement>.

⁶ *Id.*

Opioid Litigation Proceeds Laws in the United States



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The state-by-state tables starting on page 5 examine individual statutes in greater detail.

In September 2021, LAPP, in partnership with the O'Neill Institute for National & Global Health Law at Georgetown University Law Center, the Center for U.S. Policy, and Brown & Weinraub, PLLC, released the Model Opioid Litigation Proceeds Act (the "Model Act") to serve as a guide for states anticipating an influx of settlement funds.⁷ The Model Act includes three key features: (1) placing settlement proceeds in an independent state fund that cannot revert back to the general treasury; (2) limiting disbursements from the fund to identified permissible purposes related to substance use disorder (SUD) abatement; and (3) instituting a governing council of stakeholders that recommends and approves fund disbursements. The state-by-state analysis below sets forth the degree to which each state's law incorporates these features from the Model Act. The tables further identify legislation introduced in 2022 that would govern the use of opioid litigation proceeds and compares that legislation to the Model Act's key components.⁸

⁷ *Model Opioid Litigation Proceeds Act*, LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION (Sep. 2021), <http://legislativeanalysis.org/wp-content/uploads/2021/11/Model-Opioid-Litigation-Proceeds-Act-FINAL.pdf>.

⁸ The goal of this research document is to provide accurate and complete information that is free of omissions or errors. If you believe that this document contains misinformation, omissions, or errors, please email LAPP at info@thelappa.org.

<u>ALABAMA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>ALASKA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>ARIZONA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>ARKANSAS</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>CALIFORNIA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	S.B. 1282, 2021-22 Reg. Sess. (Cal. 2022). This bill establishes an independent fund for opioid litigation proceeds and restricts the approved purposes of expenditures. It does not propose to create an advisory committee. As of December 2022, the bill is pending in a Senate committee.

<u>COLORADO</u>	
Statute(s)	COLO. REV. STAT. ANN. § 27-81-118 (West 2022).
Initial effective date(s)	July 13, 2020.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	No. The Opioid Crisis Recovery Funds Advisory Committee (Committee) has authority over “any custodial funds received by the state as the result of opioid-addiction-related litigation and for which the use of the funds is not predetermined or committed by court order or other action by a state or federal court of law,” but those funds are not otherwise directed. COLO. REV. STAT. ANN. § 27-81-118(1) (West 2022).
Does the law set out permissible expenditures for the funds?	No. The attorney general only convenes the committee “to seek input and recommendations from the committee on the proper expenditure of the funds received.” COLO. REV. STAT. ANN. § 27-81-118(4) (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	Yes. The Committee advises and collaborates with the department of law on opioid litigation proceeds. The Committee consists of 26 members. The governor appoints 13 members from the medical community, those personally affected by the opioid crisis, advocacy groups, and state counties. The remaining 13 members include two appointed by the director of health services, two appointed by the executive director of the department of public health and environment, and one each appointed by: (1) the executive director of the department of regulatory agencies; (2) the executive director of the department of health-care policy and financing; (3) the attorney general; (4) the director of the center for research into SUD prevention, treatment and recovery support strategies; (4) each safety net hospital that provides addiction services; (5) the executive director of the Colorado district attorneys’ council; (6) the Colorado association of chiefs of police; (7) the county sheriffs of Colorado; and (8) the Colorado municipal league. COLO. REV. STAT. ANN. § 27-81-118(2)(a) (West 2022).
Recently proposed legislation	None.

<u>CONNECTICUT</u>	
Statute(s)	CONN. GEN. STAT. ANN. § P.A. 22-48, § 2 (West 2022).
Initial effective date(s)	July 1, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Using language drawn from the Model Act, this statute creates the Opioid Settlement Fund (Fund), a “separate nonlapsing fund” that “shall not revert to the General Fund.” CONN. GEN. STAT. ANN. § P.A. 22-48(2)(a) and (b) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Using language drawn from the Model Act, this statute restricts expenditures to: (1) SUD needs assessments; (2) necessary infrastructure for evidence-based programs for addressing SUD; (3) programs, services, supports and resources for evidence-based SUD prevention, treatment, recovery or harm reduction; (4) pilot programs approved by the Opioid Settlement Advisory Committee (Committee) for a limited period of time; (5) evaluations of effectiveness and outcomes; (6) data interfaces to aggregate, track, and report data on SUD programs; (7) research on opioid abatement; and (8) administrative and legal expenses. CONN. GEN. STAT. ANN. § P.A. 22-48(2)(e) (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	Yes. The Committee ensures that proceeds received by the state are allocated and spent on SUD abatement and promotes public involvement, accountability, and transparency in allocating moneys in the Fund. It consists of: (1) the secretary of the office of policy and management or designee; (2) the attorney general or designee; (3) the commissioners of children and families, mental health, and addiction services and public health or designees; (4) the president pro tempore of the Senate, the speaker of the House, the majority leaders of the Senate and House, the minority leaders of the Senate and House, the Senate and House chairs of the joint standing committee on appropriations, or the designees of any of these; (5) 17 governor appointees representing municipalities; (6) the executive director of the commission on racial equity in public health; and (7) six appointees by the commissioner of mental health and addiction services who treat SUD or have experience living with the disorder. CONN. GEN. STAT. ANN. § P.A. 22-48(3) (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>DELAWARE</u>	
Statute(s)	<ul style="list-style-type: none"> • DEL. CODE ANN. TIT. 16, §§ 4801B to 4809B (West 2022) (prescription opioid funds and litigation authority). • DEL. CODE ANN. tit. 16 § 5196A (West 2022) (Prescription Opioid Settlement Distribution Commission).
Initial effective date(s)	<ul style="list-style-type: none"> • June 12, 2019 (Del. Code Ann. tit. 16, §§ 4801B to 4809). • October 14, 2021 (DEL. CODE ANN. tit. 16 § 5196A).
Substantive amendment(s) to laws	October 14, 2021 – provisions related to Prescription Opioid Settlement Fund and Prescription Opioid Settlement Distribution Commission added.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The state treasurer shall hold and invest “all moneys collected by the [s]tate and its subdivisions as a result of the terms of statewide opioid settlement agreements, judgments, or other recoveries” into a Prescription Opioid Settlement Fund (Settlement Fund). It is administered collectively with the already existing Prescription Opioid Impact Fund. DEL. CODE ANN. tit. 16, § 4808B(a) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Money in the Settlement Fund must be used for: (1) services that remediate the harm caused by opioids; (2) reducing harm caused by opioids; or (3) purposes consistent with the terms of the settlements, judgments, or other sources of the moneys. DEL. CODE ANN. tit. 16, § 4808B(d) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	<p>Yes. The Prescription Opioid Settlement Distribution Commission (Commission) makes recommendations “regarding all distributions from the money in the Settlement Fund and the Impact Fund.”</p> <p>The Commission consists of 15 members or their designees: (1) the attorney general; (2) the governor; (3) the secretary of the Department of Health and Social Services; (4) two members of the Senate appointed by the president pro tempore; (5) two members of the House of Representatives appointed by the speaker; (6) one member of the public appointed by the governor; (7) one member of the public appointed by the attorney general; and (8) three members representing the county governments of New Castle, Kent, and Sussex Counties. DEL. CODE ANN. tit. 16 § 5196A (West 2022).</p>
Recently proposed legislation	None.

<u>DISTRICT OF COLUMBIA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	L.B. B24-0952, D.C. Council period 24. (D.C. 2022). This bill establishes an independent fund for opioid litigation proceeds, restricts the approved purposes of expenditures, and creates an independent advisory committee. As of December 2022, the bill is pending before the Council.

<u>FLORIDA</u>	
Statute(s)	FLA. STAT. ANN. § 17.42 (West 2022).
Initial effective date(s)	June 2, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Payments received by the state from settlements with opioid distributors shall be credited to the Opioid Settlement Clearing Trust Fund and are exempt from the law that would otherwise require eight percent of the proceeds to be directed to the general fund. FLA. STAT. ANN. § 17.42(2) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Funds disbursed from the Fund shall be used by the state and its contractors, etc., to “abate the opioid epidemic.” FLA. STAT. ANN. § 17.42(6) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No. Instead, much of the litigation proceeds are deposited into a “regional subfund,” which is directed toward county-level agencies that may use the funds pursuant to opioid epidemic abatement plans. FLA. STAT. ANN. § 17.42(4) (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>GEORGIA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	H.B. 1321, 156 th Gen. Assemb. (Ga. 2022). This bill would have established a dedicated fund, set out approved expenditures, and created a governing council. However, the bill died prior to passage.

<u>HAWAII</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>IDAHO</u>	
Statute(s)	IDAHO CODE ANN. § 57-825 (West 2022).
Initial effective date(s)	April 21, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The statute establishes “in the state treasury the state-directed opioid settlement fund, to be managed by the state treasurer,” that consists of moneys received in settlements and judgments, legislative appropriations, bequests or donations, and interest earned on idle moneys. IDAHO CODE ANN. § 57-825(1) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes, though not with specificity. Moneys in the fund “must be used only for purposes relating to opioid abuse prevention and recovery programs.” IDAHO CODE ANN. § 57-825(2) (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	No. Moneys in the fund “shall be used as determined by legislative appropriation.” IDAHO CODE ANN. § 57-825(2) (West 2022).
Recently proposed legislation	None.

<u>ILLINOIS</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	S.B. 3475, 102 nd Gen. Assemb., 2 nd Reg. Sess. (Ill. 2022). The bill is based on the Model Act, and it establishes an independent fund, sets out permissible expenditures, and establishes a governing council. As of December 2022, the bill is pending in a Senate committee.

<u>INDIANA</u>	
Statute(s)	IND. CODE ANN. §§ 4-6-15-1 to 4-6-15-5 (West 2022).
Initial effective date(s)	April 29, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	No. The statute directs opioid settlement proceeds to a preexisting agency settlement fund that consists of all money awarded by legal settlements to the state of Indiana. IND. CODE ANN. § 4-6-15-4(a) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes, as to 70 percent of the funds. Indiana law distributes the funds as follows: (1) 15 percent for the benefit of the state; (2) 15 percent to cities, counties, and towns; (3) 35 percent for “statewide treatment, education, and prevention programs for opioid use disorder and any co-occurring substance use disorder or mental health issues”; and (4) 35 percent to cities, counties, and towns, which may only be used for “programs of treatment, prevention, and care that are best practices as defined or required by the settlement documents or court order.” IND. CODE ANN. § 4-6-15-4(a) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No.
Recently proposed legislation	None.

<u>IOWA</u>	
Statute(s)	IOWA CODE ANN. § 12.51 (West 2022).
Initial effective date(s)	July 1, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Moneys paid to the state for a national settlement of litigation with opioid manufacturers shall be deposited in the Opioid Settlement Fund, which shall be separate from the general fund and the balance shall not be considered part of the balance of the general fund. IOWA CODE ANN. § 12.51(1) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Moneys in the Fund shall only be used for “abating the opioid crisis in this state.” IOWA CODE ANN. § 12.51(2) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No.
Recently proposed legislation	None other than legislation enacted in 2022.

<u>KANSAS</u>	
Statute(s)	KAN. STAT. ANN. §§ 75-775 to 75-781 (West 2022).
Initial effective date(s)	May 27, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Kansas law creates two funds, the Kansas Fights Addiction Fund (Kansas Fund), which receives 75 percent of the total funds, and the Municipalities Fight Addiction Fund (Municipalities Fund) which receives the remaining 25 percent. KAN. STAT. ANN. § 75-777 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Both funds may award grants to “qualified applicants for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction.” Grants from the Kansas Fund must “take into account science and data-driven substance abuse prevention reduction, treatment or mitigation strategies.” KAN. STAT. ANN. § 75-778(c)(2) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes, but only as to the Kansas Fund. The Kansas Fights Addiction Review Board (Board) consists of 11 members who “have expertise in the prevention, reduction, treatment or mitigation of the effects of substance abuse and addiction.” One Board member is appointed by: (1) the attorney general; (2) the governor; (3) the president of the Senate; (4) the speaker of the House of Representatives; (5) the minority leader of the Senate; (6) the minority leader of the House of Representatives; (7) the League of Kansas Municipalities; (8) the Kansas Association of Counties; (9) the Kansas County and District Attorneys Association; (10) the Association of Community Mental Health Centers of Kansas, and (11) the Behavioral Sciences Regulatory Board. KAN. STAT. ANN. § 75-778 (West 2022).
Recently proposed legislation	None.

<u>KENTUCKY</u>	
Statute(s)	KY. REV. STAT. ANN. §§ 15.291 to 15.293 (West 2022).
Initial effective date(s)	March 24, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes, as to half of the proceeds. Fifty percent of litigation proceeds is paid to counties, consolidated local governments, urban county governments, and cities. The remaining 50 percent goes into a trust and agency account known as the Opioid Abatement Trust Fund (Fund), which may not be appropriated or transferred by the Kentucky General Assembly for other purposes. KY. REV. STAT. ANN. § 15.293 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. The Fund may: (1) reimburse prior expenses for outpatient and residential treatment services, emergency response services, or the costs of administering naloxone; and (2) fund projects related to opioid use disorder or any co-occurring SUD or mental health issues from a list of 29 categories or as deemed appropriate by the Kentucky Opioid Abatement Advisory Commission (Commission). KY. REV. STAT. ANN. § 15.291 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. Commission awards moneys from the Fund to fund projects according to the approved criteria. The Commission consists of the following nine members: (1) the attorney general or designee; (2) the state treasurer or designee; (3) the secretary of the Cabinet for Health and Family Services or designee; (4) an appointee of the University of Kentucky's HEALing Communities Study Team; (5) a representative of victims of the opioid crisis appointed by the attorney general; (6) a representative of the drug treatment and prevention community appointed by the attorney general; (7) a representative appointed by the attorney general; and (8) two citizens at large appointed by the attorney general. KY. REV. STAT. ANN. § 15.291 (West 2022).
Recently proposed legislation	None.

<u>LOUISIANA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	H.B. 1045, 2022 Reg. Sess. (La. 2022). This bill was based on the Model Act and would have established an independent fund, set out permissible expenditures, and established a governing council. The bill died upon adjournment of the legislative session.

<u>MAINE</u>	
Statute(s)	ME. REV. STAT. tit. 5, §§ 203-B to 203-C (West 2022).
Initial effective date(s)	April 25, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The attorney general works with the state treasurer to deposit opioid litigation-related funds into the Maine Recovery Fund (Fund). ME. REV. STAT. tit. 5, § 203-B (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Fund disbursements are limited to those areas listed as approved uses for spending in the Maine State Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds, dated and signed on January 26, 2022. These uses are: (1) treating opioid use disorder; (2) supporting people in treatment and recovery; (3) connecting people to care; (4) addressing the needs of criminal-justice-involved persons; (5) addressing the needs to families and children; (6) preventing over-prescribing of opioids; (7) preventing misuse of opioids; (8) harm reduction; (9) assisting first responders; (10) supporting leadership, planning, and coordination; (11) training; and (12) research. ME. REV. STAT. tit. 5, § 203-B (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	Yes. The Maine Recovery Council (Council) directs the disbursement of funds within the Fund for approved uses. The Council consists of 11 members: (1) two appointed by the governor; (2) three appointed by the speaker of the House of Representatives; (3) three appointed by the president of the Senate; and (4) three appointed by the attorney general. ME. REV. STAT. tit. 5, § 203-C (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>MARYLAND</u>	
Statute(s)	MD. CODE ANN., STATE FIN. & PROC. § 7-331 (West 2022) (Opioid Restitution Fund). MD. CODE ANN., HEALTH GEN. §§ 7.5-901 to 905 (West 2022) (Opioid Restitution Fund Advisory Council).
Initial effective date(s)	March 11, 2021.
Substantive amendment(s) to laws	October 1, 2022 – Advisory council (to be) established.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Opioid Restitution Fund (Fund) is a special, non-lapsing fund held separately by the state treasurer consisting of all revenues received by the state from any judgment or settlement related to the opioid industry. MD. CODE ANN., STATE FIN. & PROC. § 7-331(d) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. The Fund may only be used for: (1) improving access to medications proven to prevent or reverse an overdose; (2) supporting peer support specialists and screening, brief intervention, and referral to treatment services for hospitals, correctional facilities, and other high-risk populations; (3) increasing access to medications that support recovery from SUD; (4) expanding the Heroin Coordinator Program, including for administrative expenses; (5) expanding access to crisis beds and residential treatment services; (6) expanding and establishing safe stations, mobile crisis response systems, and crisis stabilization centers; (7) supporting the Health Crisis Hotline; (8) organizing primary and secondary school education campaigns to prevent opioid use, including for administrative expenses; (9) enforcing the laws regarding opioid prescriptions and sales, including for administrative expenses; (10) research regarding and training for substance use treatment and overdose prevention, including for administrative expenses; and (11) supporting and expanding other evidence-based interventions for overdose prevention and substance use treatment. MD. CODE ANN., STATE FIN. & PROC. § 7-331(f) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes, by amendment. The Opioid Restitution Fund Advisory Council (Council) will consist of 14 members drawn from elected and appointed officials and community stakeholders. The governor must consult the Council at least twice per year to identify recommended appropriations from the Fund. MD. CODE ANN., HEALTH GEN. §§ 7.5-901 to 905 (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>MASSACHUSETTS</u>	
Statute(s)	MASS. GEN. LAWS ch. 10, § 35000 (West 2022). ⁹
Initial effective date(s)	January 11, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. All “amounts recovered by the commonwealth and credited thereto in connection with claims arising from the manufacture, marketing, distribution or dispensing of opioids” are deposited into the Opioid Recovery and Remediation Fund (Fund) and “shall not revert to the General Fund.” MASS. GEN. LAWS ch. 10, § 35000(a) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. The Fund “shall be expended to mitigate the impacts of the opioid epidemic in the commonwealth, including, but not limited to, expanding access to opioid use disorder prevention, intervention, treatment and recovery options.” MASS. GEN. LAWS ch. 10, § 35000(b) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. The Opioid Recovery and Remediation Fund Advisory Council (Council) makes recommendations to the secretary of health and human services regarding expenditures from the Fund. The Council consists of 21 members or their designees: (1) the secretary of health and human services as a non-voting chair; (2) one appointed by the president of the Senate; (3) one appointed by the speaker of the House of Representatives; (4) one appointed by the minority leader of the House of Representatives; (5) one appointed by the minority leader of the Senate; (6) three appointed by the governor; (7) three appointed by the attorney general; and (8), and 10 representatives of cities and towns. MASS. GEN. LAWS ch. 10, § 35000(b) (West 2022).
Recently proposed legislation	None.

⁹ Via two different acts, one in December 2020 and one in January 2021, the Massachusetts Legislature added two different—and unrelated—new sections to the state code with the same section number. As of December 2022, this duplication remains. Accordingly, MASS. GEN. LAWS ch. 10, § 35000 (West 2022) is the proper citation to both the Opioid Recovery and Remediation Fund and Summer Camp Stabilization Trust Fund.

<u>MICHIGAN</u>	
Statute(s)	MICH. COMP. LAWS ANN. § 12.253 (West 2022).
Initial effective date(s)	May 19, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The state treasurer deposits all proceeds from opioid-related cases into the Michigan Opioid Healing and Recovery Fund (Fund), which “must not lapse to the general fund.” MICH. COMP. LAWS ANN. § 12.253(3)(4) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes, though not with specificity. Money in the Fund may only be disbursed in a manner consistent with the judgment or settlement from which the money was received, it must be used to create or supplement programs or services, and it may not be used to replace other government funds that would otherwise have been appropriated for another program or service. MICH. COMP. LAWS ANN. § 12.253(3)(6) and (7) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No. The Opioid Advisory Commission is created, but its role is advisory: it provides an annual report to the governor, attorney general, senate majority leader, and speaker of the house that includes “recommended funding for tasks, activities, projects, and initiatives” from the Fund. MICH. COMP. LAWS ANN. § 4.1851(b)(13)(c)(iv) (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>MINNESOTA</u>	
Statute(s)	<ul style="list-style-type: none"> • MINN. STAT. ANN. § 16a.151 (West 2022) (proceeds of litigation or settlement). • MINN. STAT. ANN. §§ 256.042 to 256.043 (West 2022) (opioid response council and fund).
Initial effective date(s)	July 1, 2019 (including relevant provisions added to already-enacted MINN. STAT. ANN. § 16a.151).
Substantive amendment(s) to laws	<ul style="list-style-type: none"> • July 1, 2019 – Opioid litigation settlement proceeds language added to MINN. STAT. ANN. § 16a.151. • July 1, 2021 – Changes made to the advisory council’s role in awarding grants. • May 11, 2022 – Provision added that municipalities receiving direct payments from a statewide opioid settlement agreement must report annually to the commissioner of human services on how the payments were used on opioid remediation.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Any money received by the state from a settlement related to any alleged illegal actions that contributed to the use of opioids is deposited into a settlement account of the Opiate Epidemic Response Fund. MINN. STAT. ANN. § 256.043(1) (West 2022).
Does the law set out permissible expenditures for the funds?	<p>Yes. First, the fund makes specific appropriations for the Advisory Council, Board of Pharmacy, and Bureau of Criminal Apprehension. Of the remaining funds, one half is distributed to county and tribal social service agencies to provide child protection services for children and families affected by addiction.</p> <p>The other half is distributed as grants directed by the Opioid Epidemic Response Advisory Council (Council). The Council is required to focus on the areas of prevention and education, training on the treatment of opioid addiction, expansion and enhancement of a continuum of care for opioid-related SUD, and the development of measures to assess and protect the ability of those who legitimately need prescription pain medications to maintain their quality of life without facing unnecessary barriers. MINN. STAT. ANN. § 256.042(1)(a)(4) (West 2022).</p>

<u>MINNESOTA</u>	
Does the law establish a governing council to approve disbursement of the funds?	Yes. The Council develops and implements a comprehensive and effective statewide effort to address the opioid addition and overdose epidemic in Minnesota and selects initiatives to fund. The Council consists of 19 voting members and three nonvoting members, two of which are appointed by the house of representatives, two by the Senate, one by the Boards of Pharmacy, and the remainder by the commissioner of human services, who selects from a variety of specified stakeholders related to opioid abuse and treatment. MINN. STAT. ANN. § 256.042(2)(a) (West 2022).
Recently proposed legislation	None.

<u>MISSISSIPPI</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>MISSOURI</u>	
Statute(s)	MO. REV. STAT. § 196.1050 (West 2022).
Initial effective date(s)	August 28, 2020.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The statute establishes a dedicated Opioid Addiction Treatment and Recovery Fund (Fund) which consists of the proceeds of any settlement between the state and any drug manufacturers, distributors, or combination thereof, as well as any additional appropriations, gifts, grants, donations, or bequests. MO. REV. STAT. § 196.1050(2) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Moneys in the Fund may only be utilized to pay for “opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention.” MO. REV. STAT. § 196.1050(2) (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No. The state treasurer is the custodian of the Fund and approves any disbursements. MO. REV. STAT. § 196.1050(2) (West 2022).
Recently proposed legislation	None.

<u>MONTANA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>NEBRASKA</u>	
Statute(s)	NEB. REV. STAT. ANN. §§ 71-2485 to 71-2490 (West 2022).
Initial effective date(s)	November 14, 2020.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Nebraska Opioid Recovery Fund (Fund) includes “all recoveries received on behalf of the state by the Nebraska Department of Justice pursuant to the Consumer Protection Act or the Uniform Deceptive Trade Practices Act related to the advertising of opioids.” NEB. REV. STAT. ANN. § 71-2490 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes, but not with specificity. The law provides that funds must be “spent in accordance with the terms of any verdict, judgment, compromise, or settlement in or out of court.” NEB. REV. STAT. ANN. § 71-2488 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No. The Fund is managed by the state treasurer. NEB. REV. STAT. ANN. § 71-2490 (West 2022).
Recently proposed legislation	None.

<u>NEVADA</u>	
Statute(s)	NEV. REV. STAT. ANN. §§ 433.712 to 433.744 (West 2022).
Initial effective date(s)	June 4, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Fund for a Resilient Nevada (Fund) is created in the state treasury, administered by the director of the department, containing all money received pursuant to any judgment or settlement concerning the manufacture, distribution, sale, or marketing of opioids. NEV. REV. STAT. ANN. § 433.732 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Money from the Fund may be allocated as grants to agencies and private-sector organizations whose work relates to opioid use disorder and other SUD, or as statewide projects in one of 17 categories related to combating SUD. NEV. REV. STAT. ANN. § 433.38 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No. A council exists, but only in an advisory capacity. The Nevada Department of Health and Human services must “consider” the recommendations provided by the Advisory Committee for a Resilient Nevada (Committee). NEV. REV. STAT. § 433.734. The Committee consists of 17 members: (1) four appointed by the attorney general; (2) six appointed by the Office of Minority Health and Equity; and (3) seven appointed by the director of the Nevada Department of Health and Human Services. NEV. REV. STAT. ANN. § 433.726 (West 2022).
Recently proposed legislation	None.

<u>NEW HAMPSHIRE</u>	
Statute(s)	N.H. REV. STAT. ANN. §§ 126-A:83 to 86 (West 2022).
Initial effective date(s)	July 1, 2020.
Substantive amendment(s) to laws	August 6, 2022 amendments altered the distribution of funds to counties and other political subdivisions based upon the most recent census and shifted the appointment power of one member of the Commission from the governor to the New Hampshire Association of Counties.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Opioid Abatement Trust Fund (Fund) “shall be kept distinct and separate from all other funds” with the state treasurer serving as trustee. N.H. REV. STAT. ANN. § 126-A:83 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Disbursements from the Fund may only be awarded if a project meets one of 14 criteria, including: (1) reimbursements for costs of treatment for opioid use disorder; (2) prevention services; (3) detoxification services; (4) housing and treatment for people in recovery; (5) training for opioid use disorder treatment; (6) scholarships for mental and behavioral health providers; (7) evidence-based programs to reduce over-prescription of opioids; and (8) education for law enforcement for dealing with fentanyl and other drugs. N.H. REV. STAT. ANN. § 126-A:86 (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	Yes. The New Hampshire Opioid Abatement Advisory Commission (Commission) must approve all grants, loans, and matching funds disbursed from the Fund. The Commission consists of 22 members: (1) the governor; (2) attorney general; (3) state treasurer; (4) commissioner of the department of corrections; (5) commissioner of the department of health and human services; (6) chair of the governor’s commission on alcohol and drug abuse; (7) a member of the House of Representatives; (8) a member of the Senate; (9) 9 members appointed by the governor; (10) one nursing home supervisor; (11) one member appointed by the attorney general; and (12) three members appointed by the chair of the governor’s commission on alcohol and drug abuse. N.H. REV. STAT. ANN. § 126-A:85 (West 2022).
Recently proposed legislation	None.

<u>NEW JERSEY</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	S.B. 783, 220 th Leg., 1 st Ann. Sess. (N.J. 2022). This bill establishes an independent Opioid Recovery and Remediation Fund, the contents of which may be used only for the purposes of supplementing SUD prevention and treatment programs and services, in consultation with the Opioid Recovery and Remediation Fund Advisory Council. As of December 2022, the bill passed the Senate and is pending in an Assembly committee.

<u>NEW MEXICO</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>NEW YORK</u>	
Statute(s)	<ul style="list-style-type: none"> • N.Y. STATE FIN. LAW § 99-nn (McKinney 2022). • N.Y. STATE MENT. HYG. LAW § 25.18 (McKinney 2022).
Initial effective date(s)	June 29, 2021.
Substantive amendment(s) to laws	March 18, 2022 (with retroactive application to June 29, 2021) – Amendments include additional members on the Opioid Settlement Board (Board) and excluding funds in the Opioid Settlement Fund (Fund) from being deposited into the general fund.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Fund consists of money received by the state pursuant to any statewide opioid settlement agreements. It is kept separate from other funds and may not revert to the treasury's general fund. The Fund is under the joint custody of the state comptroller and the commissioner of taxation and finance. N.Y. STATE FIN. LAW § 99-nn (McKinney 2022).
Does the law set out permissible expenditures for the funds?	Yes. Moneys from the Fund shall only be expendable on defined eligible expenditures for prevention, treatment, harm reduction, and recovery services related to SUD and co-occurring mental illnesses. N.Y. MENTAL HYG. LAW § 25.18(a) (McKinney 2022).
Does the law establish a governing council to approve disbursal of the funds?	No. Moneys from the Fund are available following appropriation by the legislature only. The Board exists, but its role is only advisory, providing recommendations for expenditures to the legislature. N.Y. MENTAL HYG. LAW § 25.18(c) (McKinney 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>NORTH CAROLINA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>NORTH DAKOTA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>OHIO</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>OKLAHOMA</u>	
Statute(s)	OKLA. STAT. ANN. tit. 74, §§ 30.3 to 30.8 (West 2022).
Initial effective date(s)	August 28, 2020.
Substantive amendment(s) to laws	March 25, 2022 – Amendments added additional categories of approved purposes for expenditures.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The statute creates the Oklahoma Opioid Abatement Revolving Fund (Fund) drawn from all opioid funds obtained through a settlement or judgment on behalf of the state. In addition, the Purdue Political Subdivisions Fund exists in a segregated fund within the larger Fund. OKLA. STAT. ANN. tit. 74, § 30.6 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Grants from the Fund may be made for “approved purposes,” defined as evidence-based, forward-looking strategies, programming, and services used to support treatment of opioid use disorder, reduce addiction, and support recovery. The full list of purposes includes 21 potential categories. OKLA. STAT. ANN. tit. 74, § 30.5 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. The Oklahoma Opioid Abatement Board (Board) maintains oversight over the expenditure of grant awards to ensure that money in the Fund is used exclusively for approved purposes. The Board consists of nine members: (1) an appointee of the governor; (2) an appointee of the state auditor and inspector; (3) an appointee of the state treasurer; (4) the attorney general or designee; (5) an appointee of the state superintendent of public instruction; (6) two appointees of the speaker of the House of Representatives; and (7) two appointees of the president pro tempore of the Senate. OKLA. STAT. ANN. tit. 74, § 30.7 (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>OREGON</u>	
Statute(s)	OR. REV. STAT. ANN. § Ch. 63, § 5 (West 2022).
Initial effective date(s)	March 23, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Opioid Settlement Prevention, Treatment and Recovery Fund (Fund) is “established in the State Treasury, separate and distinct from the General Fund,” consisting of moneys paid to the state pursuant to settlements with opioid manufacturing companies. OR. REV. STAT. ANN. § Ch. 63 § 5 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Moneys shall be allocated for funding “statewide and regional programs” in one of 12 categories aimed at opioid use disorder, with a special emphasis on evidence-based or evidence-informed strategies. OR. REV. STAT. ANN. § Ch. 63§ 6 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. The Opioid Settlement Prevention, Treatment and Recovery Board (Board) is created within the Oregon Health Authority for the purpose of determining the allocation of funding from the Fund. The Board consists of 18 members drawn from the executive branch, state health services, Oregon counties and cities, and community stakeholders. OR. REV. STAT. ANN. § Ch. 63§ 6 (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>PENNSYLVANIA</u>	
Statute(s)	72 PA. STAT. AND CONS. STAT. ANN. §§ 1791-A.1 to 1792-A.1 (West 2022).
Initial effective date(s)	July 1, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Money received by a state agency because of a settlement, litigation, or an enforcement action related to claims made by Pennsylvania relating to opioids are deposited into the Opioid Settlement Restricted Account. 72 PA. STAT. AND CONS. STAT. ANN. § 1792-A.1 (West 2022).
Does the law set out permissible expenditures for the funds?	No.
Does the law establish a governing council to approve disbursement of the funds?	No. Money in the Account may only be used upon appropriation by the Pennsylvania General Assembly. 72 PA. STAT. AND CONS. STAT. ANN. § 1792-A.1(c) (West 2022).
Recently proposed legislation	None.

<u>RHODE ISLAND</u>	
Statute(s)	42 R.I. GEN. LAWS ANN. § 42-7.2-10 (West 2022).
Initial effective date(s)	July 1, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Partially. The Rhode Island Statewide Opioid Abatement Account is created within the general fund of the state, but is a “restricted receipt account” that receives and expends moneys from settlements with opioid manufacturers. 42 R.I. GEN. LAWS ANN. § 42-7.2-10(d) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Funds from the Account “shall only be used for forward-looking opioid abatement efforts as defined and limited by settlement agreements, state-city and town agreements, or court orders.” 42 R.I. GEN. LAWS ANN. § 42-7.2-10(d) (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	No.
Recently proposed legislation	None other than legislation enacted in 2022.

<u>SOUTH CAROLINA</u>	
Statute(s)	S.C. CODE ANN. §§ 11-58-10 to 100 (West 2022).
Initial effective date(s)	May 23, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The South Carolina Opioid Recovery Fund receives all funds obtained through settlements or judgments from companies connected to the production or supply of opioids. The fund is kept by the state treasurer in a distinct and separate trust kept separate from the general fund. S.C. CODE ANN. § 11-58-30 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Funds may only be disbursed for approved abatement strategies, which are “measures to address and remediate opioid-related issues that are set forth in opioid-related settlements” between South Carolina and companies that market opioids. S.C. CODE ANN. § 11-58-20 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. The South Carolina Opioid Recovery Fund Board is responsible for managing the Fund and allocating disbursements. The Board consists of nine members: (1) a chair appointed by the governor; (2) one appointed by the president of the senate; (3) one appointed by the speaker of the house; (4) three appointed by the governor, one by the speaker, and one by the president of the senate from a list provided by the association of counties; and (5) one appointed by the governor from a list provided by the municipal association. S.C. CODE ANN. § 11-58-70 (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>SOUTH DAKOTA</u>	
Statute(s)	S.D. CODIFIED LAWS § 34-20B-116 (West 2022).
Initial effective date(s)	March 18, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. Money received by the state from settlements or judgments related to opioids is deposited into a new Opioid Abatement and Remediation Fund. S.D. CODIFIED LAWS § 34-20B-116 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Money in the Fund “may only be used for purposes relating to opioid abuse treatment, prevention, and recovery programs.” S.D. CODIFIED LAWS § 34-20B-116 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	No. Disbursements from the Fund are appropriated through the normal budget process. S.D. CODIFIED LAWS § 34-20B-116 (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>TENNESSEE</u>	
Statute(s)	TENN. CODE ANN. §§ 9-4-1301 to 9-4-1305 (West 2022).
Initial effective date(s)	May 24, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Opioid Abatement Fund (Fund) is established as an irrevocable trust administered by three trustees, the contents of which do not revert to the state's general fund. The three trustees are: (1) the commissioner of finance and administration; (2) the state treasurer; and (3) the chair of the Opioid Abatement Council (Council). TENN. CODE ANN. § 9-4-1301 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Expenditures from the Fund are limited to those for the purposes of prospective opioid abatement and remediation, expenses incurred in running the Council and expenses associated with administering and investing funds held in the Fund. TENN. CODE ANN. § 9-4-1302 (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	Yes. Any disbursements from the Fund must be made at the direction of the Council. TENN. CODE ANN. § 9-4-1302 (West 2022). The Council comprises 15 voting members and a nonvoting ex-officio member: (1) four appointed by the governor, including the chair; (2) four appointed by the speaker of the Senate; (3) four appointed by the speaker of the House of Representatives; (4) two appointed by the County Services Association; and (5) one appointed by the Municipal League. The commissioner of mental health and substance abuse services, or a designee, is the ex-officio member. TENN. CODE ANN. § 33-11-103 (West 2022).
Recently proposed legislation	None.

<u>TEXAS</u>	
Statute(s)	TEX. GOV'T CODE ANN. §§ 403.501 to 403.511 (West 2022).
Initial effective date(s)	June 16, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	<p>Yes. The Opioid Abatement Trust Fund (Fund) is established outside of the state treasury and contains money obtained under a statewide opioid settlement agreement. TEX. GOV'T CODE ANN. § 403.506 (West 2022).</p> <p>Of all opioid litigation proceeds, 85 percent go into the Fund; the remaining 15 percent go into the Opioid Abatement Account (Account), a general revenue fund administered by the comptroller. TEX. GOV'T CODE ANN. § 403.507 (West 2022).</p>
Does the law set out permissible expenditures for the funds?	<p>Yes. Money in the Account, 15 percent of total proceeds, may only be used by state agencies for one of nine listed purposes to address opioid abuse. TEX. GOV'T CODE ANN. § 403.505 (West 2022).</p> <p>In the Fund, 15% of the total proceeds is distributed to counties and municipalities to address opioid-related harms. TEX. GOV'T CODE ANN. § 403.506 (West 2022).</p> <p>The remaining 70% of total proceeds, all contained in the Fund is under the control of the Texas Abatement Fund Council (Council). The Council disburses these funds subject to “evidence-based opioid abatement strategies.” TEX. GOV'T CODE ANN. § 403.509 (West 2022).</p>
Does the law establish a governing council to approve disbursement of the funds?	Yes, as to 70% of the total funds. The Council functions to ensure that settlement money is allocated fairly and to spent to remediate the opioid crisis using efficient and cost-effective methods. The Council consists of 14 members: (1) six regional members appointed by the executive commissioner of the Health and Human Services Commission; (2) four current or retired health care professionals; (3) two employees of a hospital district; (4) one member of law enforcement with experience in opioid-related harms; and (5) the comptroller or his/her designee, as a nonvoting presiding officer. TEX. GOV'T CODE ANN. § 403.503 (West 2022).
Recently proposed legislation	None.

<u>UTAH</u>	
Statute(s)	UTAH CODE ANN. § 51-9-801 (West 2022).
Initial effective date(s)	May 12, 2020.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The Opioid Litigation Settlement Restricted Account (Account) is created within the general fund that contains all money received as a result of any multistate judgment, settlement, or compromise of claims pertaining to opioids. UTAH CODE ANN. § 51-9-801(1) to (2) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes, but with minimal specificity. Money in the Account must be used to “address the effects of alleged violations of law related to the manufacture, marketing, distribution, or sale of opioids.” UTAH CODE ANN. § 51-9-801(4) (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	No.
Recently proposed legislation	H.B. 451, 64 th Leg., 2022 Gen. Sess. (Utah 2022). This bill would have required expenditures from the Account to be used for: (1) expanding opioid treatment and prevention services; (2) expanding access to naloxone; (3) increasing distribution of medication for addiction treatment; (4) treating pregnant or postpartum women; (5) treating neonatal abstinence syndrome; (6) expanding warm hand-off programs; (7) treating incarcerated individuals; or (8) supporting prevention programs. The bill died upon the legislature’s adjournment.

<u>VERMONT</u>	
Statute(s)	VT. STAT. ANN. tit. 18, §§ 4771 to 4774 (West 2022).
Initial effective date(s)	May 16, 2022.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The statute creates the Opioid Abatement Special Fund (Fund), a separate fund administered by the Vermont Department of Health. VT. STAT. ANN. tit. 18, § 4774 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. The Fund must be used “exclusively for opioid prevention, intervention, treatment, recovery, and harm reduction services.” VT. STAT. ANN. tit. 18, § 4774 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. The Opioid Settlement Advisory Committee (Committee) provides advice and recommendations to the governor, the Vermont Department of Health, and the Vermont General Assembly regarding remediation spending from the Fund. The Committee consists of 16 members: (1) the commissioner of health or designee; (2) the chief prevention officer; (3) one member of the House of Representatives; (4) one member of the Senate; (5) a primary care prescriber with experience in medication-assisted treatment; (6) a provider with academic research credentials; (7) two individuals with lived experience of opioid use disorder; (8) an assistant judge; and (9) seven individuals representing Vermont cities and towns. VT. STAT. ANN. tit. 18, § 4772 (West 2022).
Recently proposed legislation	None, other than legislation enacted in 2022.

<u>VIRGINIA</u>	
Statute(s)	VA. CODE ANN. §§ 2.2-2365 to 2.2-2376 (West 2022).
Initial effective date(s)	July 1, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes. The attorney general directs all funds from settlements, judgments, verdicts, and other court orders relating to claims regarding opioids into a “special, non-reverting fund” known as the Opioid Abatement Fund (Fund). VA. CODE ANN. § 2.2-2374 (West 2022).
Does the law set out permissible expenditures for the funds?	Yes. Awards and disbursements from the Fund must support efforts to treat, prevent, and reduce opioid use disorder and the misuses of opioids of otherwise abate or remediate the opioid epidemic. The conditions include 10 specific categories for these efforts, focused on treatment, recovery, preventing addiction, reducing overdose deaths, and support for families. VA. CODE ANN. § 2.2-2366 (West 2022).
Does the law establish a governing council to approve disbursement of the funds?	Yes. The Opioid Abatement Authority establishes specific criteria and procedures for making awards from the Fund. The Authority is governed by 11 members: (1) the secretary of health and human resources as an ex-officio member; (2) the chair of the Senate Committee on Finance and Appropriations; (3) the chair of the House Committee on Appropriations; and (4) eight members selected by the governor from local governments, attorneys, law enforcement, medical practitioners, and the addiction and recovery community. VA. CODE ANN. § 2.2-2367 (West 2022).
Recently proposed legislation	None.

<u>WASHINGTON</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>WEST VIRGINIA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>WISCONSIN</u>	
Statute(s)	WIS. STAT. ANN. § 165.12 (West 2022).
Initial effective date(s)	July 2, 2021.
Substantive amendment(s) to laws	None.
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	Yes, but only for proceeds for local governments. 30 percent of settlement proceeds are allocated directly to the department of health services. The remaining 70 percent goes to local governments. These funds must be placed in segregated accounts that cannot be commingled with other moneys. WIS. STAT. ANN. § 165.12(4)(b) (West 2022).
Does the law set out permissible expenditures for the funds?	Yes, but only for proceeds for local governments, and not with specificity. The only direction for expenditures is that they be used for purposes that comply with any settlement agreement or court order. WIS. STAT. ANN. § 165.12(4)(b) (West 2022).
Does the law establish a governing council to approve disbursal of the funds?	No.
Recently proposed legislation	None.

<u>WYOMING</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>AMERICAN SAMOA</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>GUAM</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>NORTHERN MARIANA ISLANDS</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>PUERTO RICO</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

<u>U.S. VIRGIN ISLANDS</u>	
Statute(s)	None.
Initial effective date(s)	N/A
Substantive amendment(s) to laws	N/A
Does the law establish a dedicated fund independent of the general treasury for opioid litigation proceeds?	N/A
Does the law set out permissible expenditures for the funds?	N/A
Does the law establish a governing council to approve disbursement of the funds?	N/A
Recently proposed legislation	None.

ABOUT THE LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

Based in Washington D.C., and led by and comprised of experienced attorneys, the Legislative Analysis and Public Policy Association is a 501(c)(3) nonprofit organization whose mission is to conduct legal and legislative research and analysis and draft legislation on effective law and policy in the areas of public safety and health, substance use disorders, and the criminal justice system.

LAPPA produces timely model laws and policies that can be used by national, state, and local public health, public safety, and substance use disorder practitioners who want the latest comprehensive information on law and policy as well as up-to-the-minute comparative analyses, publications, educational brochures, and other tools ranging from podcasts to fact sheets. Examples of topics on which LAPPA has assisted stakeholders include naloxone laws, law enforcement/community engagement, alternatives to incarceration for those with substance use disorders, medication-assisted treatment in correctional settings, and the involuntary commitment and guardianship of individuals with alcohol or substance use disorders.



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