

By: Representatives Creekmore IV, Felsher

To: Public Health and Human Services; Appropriations D

HOUSE BILL NO. 848

1 AN ACT TO CREATE THE OPIOID SETTLEMENT FUND COMMITTEE FOR THE
 2 PURPOSE OF ANNUALLY DETERMINING THE ALLOCATION OF MONIES RECEIVED
 3 FROM OPIOID LITIGATION SETTLEMENTS AND DEPOSITED INTO THE OPIOID
 4 SETTLEMENT FUND; TO DESIGNATE THE MEMBERS OF THE COMMITTEE; TO
 5 REQUIRE THE ATTORNEY GENERAL TO CONVENE THE COMMITTEE WITHIN SIX
 6 MONTHS AFTER PASSAGE OF THIS ACT; TO STATE CERTAIN PURPOSES FOR
 7 WHICH GRANTS FROM OPIOID LITIGATION SETTLEMENT MONIES MAY BE
 8 AWARDED BY THE COMMITTEE; TO AUTHORIZE THE ATTORNEY GENERAL TO
 9 REMIT ELECTRONIC TRANSFERS OF FUNDS TO THE OPIOID SETTLEMENT FUND;
 10 TO REQUIRE THE ATTORNEY GENERAL TO ANNUALLY SUBMIT AN ITEMIZED
 11 FINANCIAL REPORT TO THE LEGISLATURE AND THE STATE AUDITOR ON
 12 DISBURSEMENTS MADE FROM THE FUND BY THE COMMITTEE; TO AMEND
 13 SECTION 27-103-305, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
 14 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) There is created the Opioid Settlement Fund
 17 Committee, which consists of the following fifteen (15) members
 18 or, except for those members designated in paragraphs (n) and (o),
 19 their appointed designees:

20 (a) The Governor;

21 (b) The Lieutenant Governor;

22 (c) The Speaker of the House of Representatives, as an
 23 ex officio, nonvoting member;

24 (d) The Attorney General;



- 25 (e) The Executive Director of the State Board of Mental
26 Health;
- 27 (f) The State Health Officer;
- 28 (g) The State Superintendent of Public Education;
- 29 (h) The Administrative Director of the Administrative
30 Office of Courts;
- 31 (i) The President of the Mississippi Municipal League;
- 32 (j) The President of the Mississippi Association of
33 Supervisors;
- 34 (k) The President of the Mississippi Association of
35 Chiefs of Police;
- 36 (l) The President of the Mississippi Sheriffs'
37 Association;
- 38 (m) The President of the Mississippi Fire Chiefs
39 Association;
- 40 (n) The Chair of the House Public Health and Human
41 Services Committee, as an ex officio, nonvoting member; and
- 42 (o) The Chair of the Senate Public Health and Welfare
43 Committee, as an ex officio, nonvoting member.

44 (2) The purpose of the Opioid Settlement Fund Committee is
45 to annually select grant recipients and determine the allocation
46 of monies received from the various settlement agreements reached
47 as a result of the state's litigation against opioid
48 manufacturers, distributors, retailers and other parties, which
49 monies are deposited in the Opioid Settlement Fund created under



50 Section 27-103-305. The committee is administratively attached to
51 the Office of the Attorney General. No later than six (6) months
52 after the passage of this act, the Attorney General shall convene
53 the members of the Opioid Settlement Fund Committee for its
54 initial meeting.

55 (3) The Opioid Settlement Fund Committee shall award grants
56 annually from the Opioid Settlement Fund, upon appropriation by
57 the Legislature, in accordance with the requirements of the opioid
58 litigation settlements described in Section 27-103-305 and any
59 other settlements agreements subsequently reached by the state in
60 opioid litigation. Subject to the requirements of the opioid
61 litigation settlements and any other requirements imposed by law,
62 the committee may expend monies to provide grants to selected
63 recipients for the support of: drug education and prevention
64 programs in schools; nonprofit chemical dependency centers; drug
65 court programs; the University of Mississippi Medical Center;
66 private hospitals for the purpose of defraying expenses incurred
67 in delivering healthcare relating to chemical dependency and
68 mental illness to uninsured patients for whom there is no
69 reimbursement; and such other appropriate programs or entities
70 determined by the committee to be in compliance with the opioid
71 litigation settlement agreements.

72 (4) The Attorney General shall promulgate rules and
73 regulations that are necessary for the administration of the
74 committee and to create an application and award process for



75 grants while ensuring compliance with the various opioid
76 litigation settlement agreements and any other requirements
77 imposed by law in order to carry out the purposes of this section.

78 (5) The Attorney General may remit, in such amounts and at
79 such times determined by the Attorney General, an electronic
80 transfer of funds to the Opioid Settlement Fund.

81 (6) Before January 5 of each year, the Office of the
82 Attorney General shall provide an itemized financial report to the
83 Legislature and the State Auditor of all disbursements made
84 pursuant to this section.

85 **SECTION 2.** Section 27-103-305, Mississippi Code of 1972, is
86 amended as follows:

87 27-103-305. (1) There is created in the State Treasury a
88 special fund to be known as the Opioid Settlement Fund. The fund
89 shall consist of monies received by the Attorney General on behalf
90 of the State of Mississippi from settlements of opioid litigation
91 with distributors Cardinal Health, McKesson and AmerisourceBergen,
92 manufacturers Janssen Pharmaceuticals/Johnson & Johnson, Allergan
93 and Teva, and pharmacy chains CVS, Walgreens and Walmart, which
94 are deposited into the fund by the Attorney General.

95 (2) Monies in the fund shall be expended upon appropriation
96 by the Legislature, as directed by the Opioid Settlement Fund
97 Committee created under Section 1 of this act, in accordance with
98 the requirements of the opioid litigation settlements described in
99 subsection (1) of this section.



100 (3) Unexpended amounts remaining in the fund at the end of a
101 fiscal year shall not lapse into the State General Fund, and any
102 interest earned or investment earnings on amounts in the fund
103 shall be deposited into such fund.

104 **SECTION 3.** This act shall take effect and be in force from
105 and after its passage.

