

By: Senator(s) Boyd

To: Judiciary, Division A

SENATE BILL NO. 2767

1 AN ACT TO CREATE THE MISSISSIPPI OPIOID SETTLEMENT FUND
2 ADVISORY COUNCIL; TO PROVIDE FOR ITS MEMBERSHIP, DUTIES AND
3 RESPONSIBILITIES; TO PROVIDE FOR AN ANNUAL REPORT TO THE
4 LEGISLATURE AND THE GOVERNOR; TO BRING FORWARD SECTION 27-103-305,
5 MISSISSIPPI CODE OF 1972, WHICH CREATES THE OPIOID SETTLEMENT
6 FUND, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** (1) As used in this act, the following terms
10 shall have the meaning herein ascribed unless the context clearly
11 requires otherwise:

12 (a) "Council" means the Mississippi Opioid Settlement
13 Fund Advisory Council created in subsection (2) of this section.

14 (b) "Opioid settlements" means the settlements of
15 opioid litigation with distributors Cardinal Health, McKesson and
16 AmerisourceBergen, manufacturers Janssen Pharmaceuticals/Johnson &
17 Johnson, Allergan and Teva, and pharmacy chains CVS, Walgreens and
18 Walmart.

19 (2) There is hereby created the Mississippi Opioid
20 Settlement Fund Advisory Council to ensure monies received into



21 the Opioid Settlement Fund are allocated and spent in accordance
22 with the terms of the opioid settlements and to ensure public
23 involvement, accountability and transparency in allocating and
24 accounting for the monies in the fund.

25 (3) The purpose of the council is to review applications for
26 grants funded by the opioid settlements' proceeds and to make
27 recommendations to the Legislature for the appropriation of such
28 funds.

29 (4) The Legislature may accept or reject each of the
30 council's grant recipient recommendations but shall not amend or
31 modify the recommended list of grant recipients.

32 (5) The council shall consist of the following voting
33 members:

34 (a) The Attorney General or a designee, who shall serve
35 as chair of the council;

36 (b) The State Health Officer or a designee, who shall
37 serve as co-vice chair of the council;

38 (c) The Executive Director of the Department of Mental
39 Health or a designee, who shall serve as co-vice chair of the
40 council;

41 (d) Two (2) members appointed by the Governor;

42 (e) Two (2) members appointed by the Lieutenant
43 Governor;

44 (f) Two (2) members appointed by the Speaker of the
45 House of Representatives;



46 (g) A member appointed by the Chief Justice of the
47 Supreme Court;

48 (h) A member of the Mississippi Municipal League to be
49 appointed by the President of the League;

50 (i) A member of the Mississippi Association of
51 Supervisors to be appointed by the President of the Association;

52 (j) A member of the Mississippi Association of Chiefs
53 of Police to be appointed by the President of the Association; and

54 (k) A member of the Mississippi Sheriffs' Association
55 to be appointed by the President of the Association.

56 (6) The following shall be nonvoting, advisory members of
57 the council:

58 (a) A member of the Mississippi Prosecutors Association
59 to be appointed by the President of the Association;

60 (b) A member of the Office of State Public Defender
61 appointed by the State Public Defender;

62 (c) Three (3) judges with experience related to opioid
63 substance abuse and intervention to be appointed by the Chief
64 Justice of the Mississippi Supreme Court;

65 (d) A member representing the Mississippi Division of
66 Medicaid to be appointed by the Executive Director of the
67 Division;

68 (e) A member to be appointed by the Commissioner of the
69 Department of Public Safety;



70 (f) A member to be appointed by the Commissioner of
71 Child Protection Services;

72 (g) A member to be appointed by the Superintendent of
73 Education;

74 (h) A member of the Mississippi Medical Association to
75 be appointed by the President of the Association;

76 (i) A member of the Mississippi Society of Addiction
77 Medicine to be appointed by the President of the Society;

78 (j) A member representing the Community Mental Health
79 Centers to be appointed by the Executive Director of the
80 Department of Mental Health;

81 (k) A member representing the Community Health Centers
82 to be appointed by the State Health Officer;

83 (l) A member representing private sector substance
84 abuse treatment facilities to be appointed by the State Health
85 Officer;

86 (m) A member representing private sector substance
87 abuse treatment facilities to be appointed by the State Health
88 Officer;

89 (n) A member representing a peer support recovery
90 specialist organization to be appointed by the Executive Director
91 of the Department of Mental Health; and

92 (o) A member from the State Intervention Courts
93 Advisory Committee to be appointed by the Chief Justice of the
94 Mississippi Supreme Court.



95 (7) Voting members may request to add additional nonvoting,
96 advisory members with expertise in opioid prevention, treatment,
97 and recovery. Such members may be added by a majority vote of the
98 voting members.

99 (8) (a) Members appointed pursuant to subsection (5)(d)
100 through (f) of this section shall serve an initial term ending on
101 December 31, 2027. After the expiration of the initial term, each
102 such appointment shall be for a term of four (4) years from the
103 expiration of the previous term.

104 (b) All other members of the council shall serve for a
105 three-year term.

106 (c) The respective appointing authority may remove a
107 member for failure to attend at least one-half (1/2) of the
108 scheduled meetings in any one-year period or for other good cause.

109 (d) If a vacancy on the council occurs, the respective
110 appointing authority shall fill the vacancy for the unexpired
111 term. Notwithstanding the expiration of a member's term, each
112 member shall serve until a successor is duly appointed.

113 (e) Members of the council shall be appointed within
114 sixty (60) days after effective date of this act. The chair of
115 the council shall call the first meeting of the council no later
116 than ninety (90) days after the effective date of this act.

117 (9) Members of the council shall serve without compensation
118 but may be reimbursed for actual and necessary expenses incurred
119 in the performance of their duties, in accordance with Section



120 25-3-41, Mississippi Code of 1972. All such expenses shall be
121 paid from the Opioid Settlement Fund and not the General Fund.

122 (10) The council shall be housed within the Office of the
123 Attorney General. The Attorney General shall provide the staff
124 and facilities necessary to assist the council in the performance
125 of its duties.

126 (11) The council shall:

127 (a) Prepare and publish a list of priorities to guide
128 the selection of grant recipients at its first meeting of each
129 calendar year;

130 (b) Develop and publish criteria and procedures for the
131 submission of grant applications for funds derived from opioid
132 settlements;

133 (c) Review and evaluate applications based on
134 established criteria to determine the most effective and impactful
135 use of funds in addressing opioid-related issues, including
136 prevention, treatment, and recovery efforts;

137 (d) Ensure all applications reviewed and evaluated for
138 compliance with the terms of the opioid settlement agreements;

139 (e) Prepare a prioritized list of recommended grant
140 recipients, which includes a description of how each recommended
141 recipient complies with the council's published priorities;

142 (f) Upon approval of the total list of recommended
143 grant recipients by the council, the list of recommended grant
144 recipients shall be submitted to the Lieutenant Governor, Speaker



of the House, Chairs of the Senate and House Appropriations Committees, Chairs of the Senate Public Health and Welfare and House Public Health and Human Services Committees, and Chairs of the Senate and House Judiciary A Committees no later than thirty (30) days prior to the commencement of the Regular Legislative Session.

(12) The council shall ensure that all funds appropriated comply with the terms and conditions of the respective settlement agreements and state laws governing the use of such funds.

(13) The council shall adopt necessary rules, regulations, and procedures to ensure a grant applicant expends all grants funds in a manner consistent with the terms of the opioid settlement agreements.

(14) The council shall terminate when all opioid settlement monies being paid pursuant to the Opioid Settlements have been received and disbursed unless the Attorney General certifies that additional funds are anticipated within one (1) year.

(15) (a) By December 1 of each year, the council shall submit an annual report to the Legislature and the Governor summarizing the distribution of funds, outcomes of funded programs, and any recommendations for improving the process of appropriation and administration of settlement funds.

(b) The report shall be made publicly available on the Attorney General's website.



169 **SECTION 2.** Section 27-103-305, Mississippi Code of 1972, is
170 brought forward as follows:

171 27-103-305. (1) There is created in the State Treasury a
172 special fund to be known as the Opioid Settlement Fund. The fund
173 shall consist of monies received by the Attorney General on behalf
174 of the State of Mississippi from settlements of opioid litigation
175 with distributors Cardinal Health, McKesson and AmerisourceBergen,
176 manufacturers Janssen Pharmaceuticals/Johnson & Johnson, Allergan
177 and Teva, and pharmacy chains CVS, Walgreens and Walmart, which
178 are deposited into the fund by the Attorney General.

179 (2) Monies in the fund shall be expended upon appropriation
180 by the Legislature in accordance with the requirements of the
181 opioid litigation settlements described in subsection (1) of this
182 section.

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

187 **SECTION 3.** This act shall take effect and be in force from
188 and after July 1, 2025.

