

By: Senator(s) Boyd

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
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. The council
32 shall not exclude any qualified applicant from the list provided
33 to the Legislature under subsection (11) of this section.

34 (5) The council shall consist of the following voting
35 members:

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

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

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

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

44 (e) Two (2) members appointed by the Lieutenant
45 Governor;



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

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

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

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

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

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

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

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

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

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

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



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

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

74 (g) A member to be appointed by the Superintendent of
75 Education;

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

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

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

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

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

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

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



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

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

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

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

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

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

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



119 (9) Members of the council shall serve without compensation
120 but may be reimbursed for actual and necessary expenses incurred
121 in the performance of their duties, in accordance with Section
122 25-3-41, Mississippi Code of 1972. All such expenses shall be
123 paid from the Opioid Settlement Fund and not the General Fund.

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

128 (11) The council shall:

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

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

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

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

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



144 (f) Upon approval of the total list of recommended
145 grant recipients by the council, the list of recommended grant
146 recipients shall be submitted to the Lieutenant Governor, Speaker
147 of the House, Chairs of the Senate and House Appropriations
148 Committees, Chairs of the Senate Public Health and Welfare and
149 House Public Health and Human Services Committees, and Chairs of
150 the Senate and House Judiciary A Committees no later than thirty
151 (30) days prior to the commencement of the Regular Legislative
152 Session.

153 (12) The council shall not exclude any qualified applicant
154 from the list provided to the Legislature under subsection (11) of
155 this section.

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

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

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

167 (16) (a) By December 1 of each year, the council shall
168 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.

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

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

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

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

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

