

House Amendments to Senate Bill No. 2767

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10 **SECTION 1.** (1) As used in this act, the following terms
11 shall have the meanings as defined in this subsection unless the
12 context clearly requires otherwise:

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

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

20 (2) There is created the Mississippi Opioid Settlement Fund
21 Advisory Council to ensure that monies received and deposited into
22 the Opioid Settlement Fund are allocated and spent in accordance
23 with the terms of the opioid settlements, except as otherwise
24 authorized in Section 27-103-305(2), and to ensure public
25 involvement, accountability and transparency in allocating and
26 accounting for the monies in the fund.

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

31 (4) The Legislature may accept or reject each of the
32 council's grant recipient recommendations, but shall not otherwise
33 amend or modify the recommended list of grant recipients or the
34 amounts recommended for the recipients. The council shall not
35 exclude any qualified applicant from the list provided to the
36 Legislature under subsection (11) of this section.

37 (5) The council shall consist of the following voting
38 members:

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

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

43 (c) The Executive Director of the State Department of
44 Mental Health or a designee, who shall serve as co-vice chair of
45 the council;

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

47 (e) Two (2) members appointed by the Lieutenant
48 Governor who are not members of the Legislature;

49 (f) Two (2) members appointed by the Speaker of the
50 House of Representatives who are not members of the Legislature;

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

(h) A member to be appointed by the State Superintendent of Public Education;

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

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

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

(l) 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;

(e) A member representing the Mississippi Department of Human Services to be appointed by the Executive Director of the Department;

(f) A member to be appointed by the Commissioner of the Department of Public Safety;

(g) A member to be appointed by the Commissioner of Child Protection Services;

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

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

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

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

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

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

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

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

(p) A member representing the Mississippi Ambulance Alliance to be appointed by the Board of the Alliance.

(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 date 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 remainder of 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.

(9) Members of the council shall serve without compensation but may be reimbursed for actual and necessary expenses incurred

in the performance of their duties, in accordance with Section 25-3-41. All such expenses shall be paid from the Opioid Settlement Fund and not from the State General Fund.

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

(11) The council shall:

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

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

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

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

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

(f) Upon approval of the total list of recommended grant recipients by the council, the list of recommended grant

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 before the first day 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, except as otherwise authorized in Section 27-103-305(2).

(13) The council shall adopt necessary rules, regulations, and procedures to ensure that 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 funds 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.

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

182 27-103-305. (1) There is created in the State Treasury a
183 special fund to be known as the Opioid Settlement Fund. The fund
184 shall consist of all monies received by the Attorney General on
185 behalf of the State of Mississippi from settlements of opioid
186 litigation with distributors Cardinal Health, McKesson and
187 AmerisourceBergen, manufacturers Purdue Pharma, Inc., Janssen
188 Pharmaceuticals/Johnson & Johnson, Allergan and Teva, and pharmacy
189 chains CVS, Walgreens * * *, Walmart and Kroger, which are
190 deposited into the fund by the Attorney General.

191 (2) Monies in the fund shall be expended upon appropriation
192 by the Legislature in accordance with the requirements of the
193 opioid litigation settlements described in subsection (1) of this
194 section; however, the Legislature may appropriate up to fifteen
195 percent (15%) of the monies in the fund without any
196 recommendations by the Mississippi Opioid Settlement Fund Advisory
197 Council regarding the use of those monies, and such appropriations
198 do not need to comply with the terms and conditions of the opioid
199 settlement agreements.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 AMEND SECTION 27-103-305,
5 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE LEGISLATURE TO
6 APPROPRIATE A CERTAIN PERCENTAGE OF MONIES IN THE OPIOID
7 SETTLEMENT FUND WITHOUT CERTAIN LIMITATIONS; AND FOR RELATED
8 PURPOSES.

HR31\SB2767A.J

Andrew Ketchings
Clerk of the House of Representatives