

## 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 in the performance of their duties, in accordance with Section  
130 25-3-41. All such expenses shall be paid from the Opioid  
131 Settlement Fund and not from the State General Fund.

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

136 (11) The council shall:

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

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

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

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

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

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

155 recipients shall be submitted to the Lieutenant Governor, Speaker  
156 of the House, Chairs of the Senate and House Appropriations  
157 Committees, Chairs of the Senate Public Health and Welfare and  
158 House Public Health and Human Services Committees, and Chairs of  
159 the Senate and House Judiciary A Committees no later than thirty  
160 (30) days before the first day of the Regular Legislative Session.

161 (12) The council shall ensure that all funds appropriated  
162 comply with the terms and conditions of the respective settlement  
163 agreements and state laws governing the use of such funds, except  
164 as otherwise authorized in Section 27-103-305(2).

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

169 (14) The council shall terminate when all opioid settlement  
170 funds being paid pursuant to the opioid settlements have been  
171 received and disbursed, unless the Attorney General certifies that  
172 additional funds are anticipated within one (1) year.

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

178 (b) The report shall be made publicly available on the  
179 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