

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2767

BY: Committee

**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 (1) 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;



(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).



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



chains CVS, Walgreens * * *, Walmart and Kroger, 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; however, the Legislature may appropriate up to fifteen percent (15%) of the monies in the fund without any recommendations by the Mississippi Opioid Settlement Fund Advisory Council regarding the use of those monies, and such appropriations do not need to comply with the terms and conditions of the opioid settlement agreements.

(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 its passage.

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

AN ACT TO CREATE THE MISSISSIPPI OPIOID SETTLEMENT FUND ADVISORY COUNCIL; TO PROVIDE FOR ITS MEMBERSHIP, DUTIES AND RESPONSIBILITIES; TO PROVIDE FOR AN ANNUAL REPORT TO THE LEGISLATURE AND THE GOVERNOR; TO AMEND SECTION 27-103-305, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE LEGISLATURE TO APPROPRIATE A CERTAIN PERCENTAGE OF MONIES IN THE OPIOID SETTLEMENT FUND WITHOUT CERTAIN LIMITATIONS; AND FOR RELATED PURPOSES.

