

**No Action  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 848**

**BY: Committee**

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

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;



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

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

(g) One (1) member appointed by the Chief Justice of the Supreme Court;

(h) One (1) member of the Mississippi Municipal League to be appointed by the President of the League;

(i) One (1) member of the Mississippi Association of Supervisors to be appointed by the President of the Association;

(j) One (1) member of the Mississippi Association of Chiefs of Police to be appointed by the President of the Association; and

(k) One (1) 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) One (1) member of the Mississippi Prosecutors Association to be appointed by the President of the Association;

(b) One (1) 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;



68                   (d) One (1) member representing the Mississippi  
69 Division of Medicaid to be appointed by the Executive Director of  
70 the Division;

71                   (e) One (1) member to be appointed by the Commissioner  
72 of the Department of Public Safety;

73                   (f) One (1) member to be appointed by the Commissioner  
74 of Child Protection Services;

75                   (g) One (1) member to be appointed by the  
76 Superintendent of Education;

77                   (h) One (1) member of the Mississippi Medical  
78 Association to be appointed by the President of the Association;

79                   (i) One (1) member of the Mississippi Society of  
80 Addiction Medicine to be appointed by the President of the  
81 Society;

82                   (j) One (1) member representing the Community Mental  
83 Health Centers to be appointed by the Executive Director of the  
84 Department of Mental Health;

85                   (k) One (1) member representing the Community Health  
86 Centers to be appointed by the State Health Officer;

87                   (l) One (1) member representing private sector  
88 substance abuse treatment facilities to be appointed by the State  
89 Health Officer;

90                   (m) One (1) member representing private sector  
91 substance abuse treatment facilities to be appointed by the State  
92 Health Officer;



(n) One (1) member representing a peer support recovery specialist organization to be appointed by the Executive Director of the Department of Mental Health; and

(o) One (1) 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.



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

121 (9) Members of the council shall serve without compensation  
122 but may be reimbursed for actual and necessary expenses incurred  
123 in the performance of their duties, in accordance with Section  
124 25-3-41, Mississippi Code of 1972. All such expenses shall be  
125 paid from the Opioid Settlement Fund and not the General Fund.

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

130 (11) The council shall:

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

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

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



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

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

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

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

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

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



(15) 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.

(16) (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.

**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.



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

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

**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 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.

