

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2767: The Mississippi Opioid Settlement Fund Advisory Council; create.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

22 **SECTION 1.** (1) As used in this act, Section 27-103-305 and
23 Section 3 of this act, the following terms shall have the meanings
24 as defined in this subsection unless the context clearly requires
25 otherwise:

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

28 (b) "Opioid settlements" means the current and future
29 settlements of opioid litigation with distributors Cardinal
30 Health, McKesson and AmerisourceBergen, manufacturers Purdue
31 Pharma, Inc., Janssen Pharmaceuticals/Johnson & Johnson, Allergan
32 and Teva, and pharmacy chains CVS, Walgreens, Walmart, and Kroger,
33 and other defendants of related opioid litigation.



34 (c) "Abatement settlement funds" means those monies
35 from the opioid settlements that are required to be spent on
36 opioid abatement programs, goods and services.

37 (d) "Nonabatement settlement funds" means those monies
38 from the opioid settlements that are not required to be spent on
39 opioid abatement programs, goods and services.

40 (2) There is created the Mississippi Opioid Settlement Fund
41 Advisory Council to ensure that monies received and deposited into
42 the Opioid Settlement Fund are allocated and spent in accordance
43 with the terms of the opioid settlements, except as otherwise
44 authorized in Section 27-103-305(2), and to ensure public
45 involvement, accountability and transparency in allocating and
46 accounting for the monies in the fund.

47 (3) The purpose of the council is to review applications for
48 grants funded by the proceeds of opioid settlements and to make
49 recommendations to the Legislature for the appropriation of such
50 proceeds to fund the grants.

51 (4) The Legislature may accept or reject each of the
52 council's grant recipient recommendations, but shall not otherwise
53 amend or modify the recommended list of grant recipients or the
54 amounts recommended for the recipients. The council shall not
55 exclude any qualified applicant from the list provided to the
56 Legislature under subsection (11) of this section.

57 (5) The council shall consist of the following voting
58 members:



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

104 (i) A member of the Mississippi Society of Addiction
105 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 a peer support recovery specialist organization to be appointed by the Executive Director of the State Department of Mental Health;

(n) The Medical Director of the State Department of Mental Health or a designee;

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

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

(q) Two (2) members of the Senate to be appointed by the Lieutenant Governor; and

(r) Two (2) members of the House to be appointed by the Speaker of the House.

(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 of the council pursuant to subsection (5)(a) through (c) shall serve permanently during their tenure in their respective offices.

(b) 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.

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

(d) 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.

(e) 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.

(f) 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.

(g) A majority of the voting members of the council shall constitute a quorum.



155 (9) Members of the council shall serve without compensation
156 but may be reimbursed for actual and necessary expenses incurred
157 in the performance of their duties, in accordance with Section
158 25-3-41. All such expenses shall be paid from the Opioid
159 Settlement Fund and not from the State General Fund.

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

164 (11) The council shall:

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

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

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

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



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

181 (f) Upon approval of the total list of recommended
182 grant recipients by the council, the list of recommended grant
183 recipients shall be submitted to the Lieutenant Governor, Speaker
184 of the House, Chairs of the Senate and House Appropriations
185 Committees, Chairs of the Senate Public Health and Welfare and
186 House Public Health and Human Services Committees, and Chairs of
187 the Senate and House Judiciary A Committees no later than thirty
188 (30) days before the first day of the Regular Legislative Session.

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

192 (13) The council shall ensure that all funds appropriated
193 comply with the terms and conditions of the respective settlement
194 agreements and state laws governing the use of such funds, except
195 as otherwise authorized in Section 27-103-305(2).

196 (14) The council shall adopt necessary rules, regulations
197 and procedures to effectuate the purposes of this act and to
198 ensure that a grant applicant expends all grants funds in a manner
199 consistent with the terms of the opioid settlement agreements.

200 (15) The council shall terminate when all opioid settlement
201 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.

(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 amended 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 the 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 Purdue Pharma, Inc., Janssen Pharmaceuticals/Johnson & Johnson, Allergan and Teva, and pharmacy chains CVS, Walgreens * * *, Walmart, * * * and Kroger, and other defendants of related opioid litigation. The Attorney General shall deposit all of such monies into the fund after attorney fees and expenses have been paid.

(2) * * * Abatement settlement funds shall be * * * disbursed upon appropriation by the Legislature in accordance with the requirements of * * * Section 1 of this * * * act.



(3) For abatement settlement funds, the Attorney General shall oversee the expenditure of such monies to ensure compliance with the opioid settlements.

(4) Nonabatement settlement funds shall be disbursed upon appropriation by the Legislature without any recommendations by the council regarding the use of those monies.

(* * *5) 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. For nonabatement settlement funds, the Attorney General shall have ultimate oversight authority to ensure that no more than thirty percent (30%) of the settlement monies are expended for nonabatement.

SECTION 4. 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 DEFINE TERMS; 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 EXPAND THE LIST OF MANUFACTURERS AND PHARMACY CHAINS WHOM THE ATTORNEY GENERAL MAY RECEIVE MONIES FROM DUE TO OPIOID LITIGATION SETTLEMENTS ENTERED INTO BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE; TO PROVIDE THAT THE ATTORNEY GENERAL SHALL DEPOSIT SETTLEMENT MONIES RECEIVED INTO THE OPIOID SETTLEMENT FUND; TO PROVIDE THAT ABATEMENT SETTLEMENT FUNDS SHALL BE DISBURSED UPON APPROPRIATIONS BY THE LEGISLATURE AND IN COMPLIANCE WITH SECTION 1 OF THIS ACT; TO PROVIDE THAT THE



13 ATTORNEY GENERAL WILL OVERSEE THE EXPENDITURE OF ABATEMENT FUNDS
14 TO ENSURE COMPLIANCE WITH THE OPIOID SETTLEMENTS; TO PROVIDE THAT
15 NONABATEMENT FUNDS SHALL BE DISBURSED UPON APPROPRIATIONS BY THE
16 LEGISLATURE WITHOUT RECOMMENDATIONS FROM THE COUNCIL; TO PROVIDE
17 THAT THE ATTORNEY GENERAL SHALL HAVE ULTIMATE OVERSIGHT AUTHORITY
18 OVER THE EXPENDITURE OF NONABATEMENT FUNDS TO ENSURE NO MORE THAN
19 30% OF NONABATEMENT MONIES ARE EXPENDED FROM THE SETTLEMENT FUNDS;
20 AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Wiggins

X (SIGNED)
Boyd

X (SIGNED)
England

CONFEREES FOR THE HOUSE

X (SIGNED)
Creekmore IV

X (SIGNED)
Felsher

X (SIGNED)
Deweese

