

2020 First Extraordinary Session

HOUSE BILL NO. 34

BY REPRESENTATIVE ECHOLS

FUNDS/FUNDING: Creates the Louisiana Opioid Settlement Fund (Item #11)

1 AN ACT

2 To enact Subpart M of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.41, relative to the
4 disbursement of monies received from opioid settlements; to establish the Louisiana
5 Opioid Settlement Fund; to provide for administration of the fund; to provide for
6 specific uses of the fund; to provide for reporting requirements; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart M of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
10 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.41, is hereby enacted to read
11 as follows:

12 SUBPART M. LOUISIANA OPIOID SETTLEMENT FUND

13 §100.41. Louisiana Opioid Settlement Fund; purpose; program administration

14 A. There is hereby created in the state treasury, as a special fund, the
15 "Louisiana Opioid Settlement Fund", hereinafter referred to as the "fund".

16 B. After compliance with the requirements of Article VII, Section 9(B) of
17 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
18 all monies received by the state from any judgment, settlement, assessment of a civil
19 or criminal penalty, or otherwise collected as a result of a case or cause of action

1 against a manufacturer of opioids or any other responsible person brought to recover
2 monies expended or anticipated to be expended by the state or damages incurred by
3 the state in connection with the manufacturing, marketing, distribution, or sale of
4 opioids shall be deposited into the fund.

5 C. Monies in the fund shall be invested in the same manner as monies in the
6 general fund. Interest earned on investment of monies in the fund shall be credited
7 to the fund. Unexpended and unencumbered monies in the fund at the end of the
8 fiscal year shall remain in the fund.

9 D. The monies in the fund shall be used exclusively for the following
10 purposes:

11 (1) Improving access to medications proven to prevent or reverse an
12 overdose.

13 (2) Supporting behavioral health services providers and referral to treatment
14 services for hospitals, correctional facilities, and other high-risk populations.

15 (3) Increasing access to medications that support recovery from substance
16 abuse disorders.

17 (4) Expanding access to crisis identification and stabilization services and
18 residential treatment services.

19 (5) Expanding and establishing safe stations, mobile crisis response systems,
20 and crisis stabilization centers.

21 (6) Organizing primary and secondary school education campaigns to
22 prevent opioid use, including for administrative expenses.

23 (7) Enforcing the laws regarding opioid prescriptions and sales, including for
24 administrative expenses.

25 (8) Research and training for substance use treatment and overdose
26 prevention, including for administrative expenses.

27 (9) Supporting and expanding evidence-based interventions for substance
28 abuse treatment and overdose prevention.

1 E. The fund is in addition to any monies appropriated to any agency and is
2 not intended to take the place of funding that otherwise would be appropriated for
3 the programs or services.

4 F. Except as specified in Subsection D of this Section, money expended from
5 the fund may not be used for administrative expenses.

6 G. The governor, in consultation with the attorney general and legislature,
7 shall develop a plan for the allocation of monies in the fund in accordance with
8 Subsection D of this Section. The governor shall submit the plan and the proposed
9 budget to the Joint Legislative Committee on the Budget for approval no later than
10 January 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 34 Engrossed

2020 First Extraordinary Session

Echols

Abstract: Establishes the La. Opioid Settlement Fund for monies received from opioid settlements and provides for uses of the fund.

Proposed law establishes the La. Opioid Settlement Fund and requires that all monies received by the state from any opioid settlement be deposited into the fund.

Proposed law provides that the fund shall be used exclusively for the following purposes:

- (1) Improving access to medications proven to prevent or reverse an overdose.
- (2) Supporting behavioral health services providers and referral to treatment services for hospitals, correctional facilities, and other high-risk populations.
- (3) Increasing access to medications that support recovery from substance abuse disorders.
- (4) Expanding access to crisis identification and stabilization services and residential treatment services.
- (5) Expanding and establishing safe stations, mobile crisis response systems, and crisis stabilization centers.
- (6) Organizing primary and secondary school education campaigns to prevent opioid use, including for administrative expenses.
- (7) Enforcing the laws regarding opioid prescriptions and sales, including for administrative expenses.

- (8) Research and training for substance use treatment and overdose prevention, including for administrative expenses.
- (9) Supporting and expanding evidence-based interventions for substance abuse treatment and overdose prevention.

Proposed law requires the governor, in consultation with the attorney general and legislature, to develop a plan for the allocation of monies in the fund and submit the plan and proposed budget to the Joint Legislative Committee on the Budget for approval no later than Jan. 1, 2021.

(Adds R.S. 39:100.41)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Remove ULM as the administrator of the fund.
2. Remove the requirement that specific percentages of the fund be spent on specific purposes.
3. Add exclusive uses of the fund.
4. Require the governor, in consultation with the attorney general and legislature, to develop a plan for the allocation of monies in the fund and submit the plan and proposed budget to the Joint Legislative Committee on the Budget for approval no later than Jan. 1, 2021.