

2022 Regular Session

HOUSE BILL NO. 1045

BY REPRESENTATIVES FREEMAN, FISHER, AND ILLG

FUNDS/FUNDING: Provides relative to funding for certain substance abuse services

1 AN ACT

2 To enact Subpart V of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 39:100.171 through 100.176, relative to funds
4 received from opioid litigation; to provide relative to the deposit and use of such
5 funds; to provide relative to oversight of such funds; to require reports relative to
6 such funds; to provide with respect to the powers and duties of the Louisiana
7 Department of Health; to provide definitions; to provide an effective date; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. It is the intent of Legislature of Louisiana:

11 A. To maximize funds available to address the overdose crisis in Louisiana by
12 encouraging Louisiana political subdivisions that have made legal claims against
13 manufacturers and distributors of prescription opioid analgesics, pharmacies that dispensed
14 prescription opioid analgesics, and related parties to participate in any final settlement of
15 legal claims against such defendants into which Louisiana may enter.

16 B. To establish a dedicated fund for substance use disorder abatement, including
17 prevention, treatment, recovery, and harm reduction infrastructure, programs, services,
18 supports, and resources, into which shall be deposited all proceeds received by the state
19 arising out of legal claims made against manufacturers and distributors of prescription opioid
20 analgesics, pharmacies that dispensed prescription opioid analgesics, and related parties.

1 C. That a council of stakeholders be established to ensure robust and informed
2 public involvement, accountability, and transparency in allocating and accounting for the
3 monies received from the judgment or settlement of claims against manufacturers and
4 distributors of prescription opioid analgesics, pharmacies that dispensed prescription opioid
5 analgesics, and related parties

6 D. That substance use disorder abatement infrastructure, programs, services,
7 supports, and resources yield reductions in mortality and improvements in prevention,
8 treatment, harm reduction, and recovery outcomes, and that recipients of distributions from
9 the Fund measure and report outcomes associated with such distributions.

10 Section 2. Subpart V of Part II-A of Chapter 1 of Title 39 of the Louisiana Revised
11 Statutes of 1950, comprised of R.S. 39:100.171 through 100.176, is hereby enacted to read
12 as follows:

13 SUBPART V. OPIOID LITIGATION PROCEEDS FUND

14 §100.171. Definitions

15 As used in this Subpart the following words shall have the following
16 meanings unless context clearly requires otherwise:

17 (1) "Council" means the Opioid Litigation Proceeds Council established
18 pursuant to the provisions of this Subpart.

19 (2)(a) "Evidence-based" means an activity, practice, program, service,
20 support, or strategy that meets one of the following evidentiary criteria:

21 (i) Meta-analyses or systematic reviews have found the strategy to be
22 effective.

23 (ii) Evidence from a scientifically rigorous experimental study, such as a
24 randomized controlled trial, demonstrates the strategy is effective.

25 (iii) Multiple observational studies performed in the United States indicate
26 the strategy is effective.

27 (b) As used in Subparagraph (a) of this Paragraph, the term "effective"
28 means an activity, practice, program, service, support, or strategy that helps
29 individuals avoid the development and progression of substance use disorders or

1 drug-related harms; reduces the adverse consequences of substance use among
2 persons who use substances; or manages, slows the progression of, or supports
3 recovery from a substance use disorder or co-occurring mental health disorder.

4 (3) "Fund" means the Opioid Litigation Proceeds Fund established pursuant
5 to the provisions of this Subpart.

6 (4) "Harm reduction" means a program, service, support, or resource that
7 attempts to reduce the adverse consequences of substance use among persons who
8 continue to use substances. Harm reduction addresses conditions that give rise to
9 substance use, as well as the substance use itself, and may include syringe service
10 programs, naloxone distribution, and education about Good Samaritan laws.

11 (5) "Infrastructure" means the resources required for Louisiana or a region,
12 parish, city, or locality thereof, or not-for-profit organizations therein, to provide
13 substance use disorder prevention, treatment, recovery, and harm reduction
14 programs, services, supports, and resources.

15 (6) "Prevention" means primary, secondary, and tertiary efforts to avoid the
16 development progression of substance use disorders or drug-related harms. Primary
17 prevention involves promoting positive youth development and helping individuals
18 avoid the risk factors for, and development of, addictive behaviors through both
19 universal and individualized efforts. Primary prevention incorporates efforts in
20 support of individualized health care, including the safe prescribing of opioid and
21 other controlled medications. Primary prevention also encompasses efforts to avoid
22 adverse childhood experiences and to avoid or delay the onset of substance use
23 among persons under twenty-one years of age. Secondary prevention consists of
24 uncovering potentially harmful substance use prior to the onset of problems or
25 substance use disorder symptoms. Tertiary prevention entails treating the medical
26 consequences of substance use and facilitating entry into substance use disorder
27 treatment so further disability is minimized. Prevention strategies include continuing
28 treatment and avoiding a return to substance use so that patients who have been
29 treated successfully main remain in remission.

1 (7) "Proceeds" includes damages, penalties, attorney fees, costs,
2 disbursements, refunds, rebates, or any other monetary payment made or paid by any
3 defendant manufacturer or distributor of prescription opioid analgesics, pharmacy
4 that dispensed prescription opioid analgesics, or related party to Louisiana by reason
5 of any judgment, consent decree, or settlement, after payment of any costs or fees
6 required by court order.

7 (8) "Recovery" means an active process of continual growth that addresses
8 the biological, psychological, social, and spiritual disturbances inherent in addiction
9 and includes the following factors:

10 (a) The goal of improved quality of life and enhanced wellness as identified
11 by the individual.

12 (b) An individual's consistent pursuit of abstinence from the substances or
13 behaviors towards which pathological pursuit had been previously directed or which
14 could pose a risk for pathological pursuit in the future.

15 (c) Relief of an individual's symptoms, including substance craving.

16 (d) Improvement of an individual's own behavioral control.

17 (e) Enrichment of an individual's relationships, social connectedness, and
18 interpersonal skills.

19 (f) Improvement in an individual's emotional self-regulation.

20 (9) "Substance use disorder" means a pattern of use of alcohol or other
21 substances that meets the applicable diagnostic criteria delineated in the Diagnostic
22 and Statistical Manual of Mental Disorders (DSM-5) of the American Psychiatric
23 Association, or in any subsequent editions.

24 (10) "Treatment" means an evidence-based practice or service to intervene
25 upon, care for, manage, slow progression of, or support recovery from a substance
26 use disorder or co-occurring mental health disorder. Treatment is individualized to
27 address each person's medical needs and includes, but is not limited to, screening for
28 and diagnosing substance use disorders and co-occurring mental or physical health

1 disorders, as well as pharmacological and non-pharmacological therapeutic
2 interventions for substance use disorders and co-occurring mental health disorders.

3 §100.172. Opioid Litigation Proceeds Fund

4 A. There is hereby established in the state treasury as a special fund the
5 Opioid Litigation Proceeds Fund. After compliance with the requirements of Article
6 VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and
7 Redemption Fund, the treasurer is hereby authorized and directed to deposit into the
8 fund all proceeds received by the state in connection with legal claims made against
9 manufacturers and distributors of prescription opioid analgesics, pharmacies that
10 dispensed prescription opioid analgesics, and related parties, regardless of whether
11 such proceeds are received as a lump sum or series of payments to be made over a
12 period of time. Monies in the fund shall be invested in the same manner as monies
13 in the state general fund. Interest earned on investment of monies in the fund shall
14 be credited to the fund. Unexpended and unencumbered monies in the fund at the
15 end of the fiscal year shall remain in the fund. The treasurer is authorized to deposit
16 into the fund any gifts, grants, donations, bequests, or other monies received by
17 Louisiana on the fund's behalf.

18 B. Monies in the fund shall only be used for the following:

19 (1) Statewide or community substance use disorder needs assessments to
20 identify structural gaps and needs to inform expenditures from the fund.

21 (2) Infrastructure required for evidence-based substance use disorder
22 prevention, treatment, recovery, or harm reduction programs, services, and supports.

23 (3) Programs, services, supports, and resources for evidence-based substance
24 use disorder prevention, treatment, recovery, or harm reduction.

25 (4) Evidence-informed substance use disorder prevention, treatment,
26 recovery, or harm reduction pilot programs or demonstration studies that are not
27 evidence-based but are approved by the council as an appropriate use of monies for
28 a limited period of time as specified by the council.

1 (5) Evaluations of effectiveness and outcomes reporting for substance use
2 disorder abatement infrastructure, programs, services, supports, and resources for
3 which monies from the fund were disbursed, such as impact on access to harm
4 reduction services or treatment for substance use disorders, or reduction in drug-
5 related mortality.

6 (6) One or more data interfaces managed by the Louisiana Department of
7 Health to aggregate, track, and report, free of charge and available online to the
8 public, data on substance use disorders, overdoses, and drug-related harms; spending
9 recommendations, plans and reports; and outcomes of programs, services ,supports,
10 and resources for which monies from the fund were disbursed.

11 (7) Expenses incurred in administering and staffing the fund and the council,
12 provided that such expenses annually shall not exceed four percent of the fund's
13 balance as of July first of the current fiscal year.

14 (8) Expenses associated with managing, investing, and disbursing monies in
15 the fund provided that such expenses annually shall not exceed two percent of the
16 fund's balance as of July first of the current fiscal year.

17 C. Annually in the month of July the state treasurer shall issue a public report,
18 submitted to the legislature and made available on the Department of the Treasury's
19 website, specifying at a minimum all of the following:

20 (1) An inventory of fund investments as of June thirtieth of the year the
21 report is issued.

22 (2) The net income the fund earned in the immediately prior fiscal year.

23 (3) The dollar amount and the percentage of the fund balance incurred for
24 expenses of administering and staffing the fund and council during the immediately
25 prior fiscal year.

26 (4) The dollar amount and the percentage of the fund balance incurred for
27 expenses associated with managing, investing, and disbursing monies in the fund
28 during the immediately prior fiscal year.

29 §100.173. Opioid Litigation Proceeds Council; creation

1 A. The Opioid Litigation Proceeds Council is hereby established in the
2 Louisiana Department of Health. The council shall ensure that proceeds received by
3 the state pursuant to the provisions of this Subpart are allocated and spent on
4 Louisiana substance use disorder abatement infrastructure, programs, services,
5 supports, and resources for prevention, treatment, recovery, and harm reduction and
6 to ensure robust public involvement, accountability, and transparency in allocating
7 and accounting for the monies in the fund.

8 B.(1) The council shall be composed of nine members as follows:

9 (a) The attorney general, or his designee.

10 (b) The president of the Senate or his designee.

11 (c) The speaker of the House of Representatives or his designee.

12 (d) The secretary of the Louisiana Department of Health or his designee.

13 (e) One member appointed by the governor.

14 (f) One member appointed by the Louisiana Police Jury Association.

15 (g) One member appointed by the Louisiana Municipal Association.

16 (h) One member appointed by the Louisiana Behavioral Health Advisory
17 Council.

18 (i) One member appointed by the Advisory Council on Heroin and Opioid
19 Prevention Education.

20 (2) Each member shall be a resident of Louisiana.

21 (3) Ex officio members shall serve terms concurrent with the term of their
22 office. Members appointed pursuant to Subparagraphs (1)(e) through (g) of this
23 Subsection shall serve an initial term of two years, and members appointed pursuant
24 to Subparagraphs (1)(h) and (i) of this Subsection shall serve an initial term of three
25 years. Thereafter, each appointed member shall serve a three-year term. Vacancies
26 shall be filled in the manner of the original appointment and for the remainder of the
27 unexpired term.

1 (4) The member appointed by the governor shall serve as chair in the
2 inaugural term. Thereafter, the council shall elect a chair from amongst its
3 membership by a majority vote.

4 C. The council shall have the following powers and duties:

5 (1) Recommend and approve policies and procedures for administration of
6 the council and for the application, awarding, and disbursement of monies from the
7 fund to be used for the purposes set forth in this Subpart.

8 (2) Recommend and approve goals, objectives and their rationales,
9 sustainability plans, and performance indicators relating to:

10 (a) Substance use disorder prevention, treatment, recovery, and harm
11 reduction efforts.

12 (b) Reducing disparities in access to prevention, treatment, recovery, and
13 harm reduction programs, services, supports, and resources.

14 (c) Improving health outcomes in traditionally underserved populations,
15 including but not limited to those who live in rural or tribal communities, persons of
16 color, and formerly incarcerated individuals.

17 (3) Approve awards of monies from the fund exclusively for permissible
18 expenditures set forth in this Subpart.

19 (4) Deny award of monies from the fund to parishes, municipalities, or
20 localities found to have used a prior award of fund monies for a purpose other than
21 an approved purpose. Upon determination by the council that the parish,
22 municipality, or locality has adequately remedied the violation, the council may
23 award monies to such parish, municipality, or locality.

24 (5) Ensure allocations of money from the fund across the state, considering
25 at a minimum the following criteria:

26 (a) The number of people per capita with a substance use disorder in the
27 state.

28 (b) Disparities in access to care that may preclude persons with substance
29 use disorders from obtaining a diagnosis or receiving evidence-based treatment.

1 (c) The number of overdose deaths per capita in the state.

2 (d) The infrastructure, programs, services, supports, or other resources
3 currently available to individuals with substance use disorders.

4 (e) Disparities in access to care and health outcomes across the state.

5 D. The Louisiana Department of Health shall:

6 (1) Employ a full-time executive director of the council to plan and support
7 the meetings and functions of the council and direct the day-to-day activities
8 required to ensure that proceeds received by this state are allocated and spent on
9 Louisiana substance use disorder abatement infrastructure, programs, services,
10 supports, and resources for prevention, treatment, recovery, and harm reduction and
11 to ensure robust public involvement, accountability, and transparency in allocating
12 and accounting for the monies in the fund.

13 (2) Provide public health research and policy expertise, support staff,
14 facilities, technical assistance, and other resources to assist the executive director of
15 the council with the meetings and functions of the council and the day-to-day
16 activities required to fulfill the mission of the program established pursuant to the
17 provisions of this Subpart.

18 (3) Utilize, where feasible, appropriations from the general fund and existing
19 infrastructure, programs, services, supports, or other resources to address substance
20 use disorders, overdoses, and drug-related harms in Louisiana.

21 (4) Prepare for review and approval by the council goals, objectives and their
22 rationales, sustainability plans, and performance indicators relating to substance use
23 disorder prevention, treatment, recovery, and harm reduction efforts and reducing
24 disparities in access to prevention, treatment, recovery, and harm reduction
25 programs, services, supports, and resources.

26 (5) Evaluate applications and recommend to the council awards and
27 disbursements of monies from the fund exclusively for permissible expenditures set
28 forth in this Subpart.

1 (6) Maintain oversight over the expenditure of monies from the fund to
2 ensure monies are used exclusively for the purposes set forth in this Subpart.

3 (7) Require recipients of monies from the fund to provide an annual report
4 to the council detailing the effectiveness of infrastructure, programs, services,
5 supports, or resources funded, including at a minimum all of the following:

6 (a) How the recipient used the monies for their intended purposes.

7 (b) The number of individuals served by race, age, gender, or other
8 demographic factor reported without personally identifying information.

9 (c) A specific analysis of whether the infrastructure, program, service,
10 supports, or resources reduced mortality or improved prevention, treatment, harm
11 reduction, or recovery outcomes.

12 (d) If a plan to ensure the sustainability of the infrastructure, program,
13 service, support, or resources funded exists, a summary of such plan.

14 (8) Implement and publish on the council's website policies and procedures
15 for administration of the council and for the application, awarding, and disbursement
16 of monies from the fund to be used for the purposes set for this in this Subpart.

17 (9) Publish on the council's website an annual report of the council's
18 activities and effectiveness.

19 E. The council shall hold at least four public meetings per year. A meeting
20 may be called by the chair or by a majority of the council's members. The council
21 shall be subject to the Open Meetings Law and the Public Records Law and members
22 shall be subject to the Code of Governmental Ethics.

23 F. A majority of the voting members shall constitute a quorum for the
24 transaction of business. A majority of the members of the council present and
25 voting, a quorum being present, shall be required to decide any question upon which
26 the council takes action. No proxies shall be allowed, and all votes shall be viva
27 voce.

1 G. This Section shall terminate when all monies received pursuant to the
2 provisions of this Subpart have been disbursed, unless the attorney general certifies
3 that additional monies are anticipated.

4 H. The Louisiana Department of Health shall create and maintain a website
5 which shall include the following information, at a minimum:

6 (1) Council meeting dates.

7 (2) Council meeting attendance rolls and minutes, including records of all
8 votes on expenditures of monies from the fund.

9 (3) Recipient agreements and reports required pursuant thereto.

10 (4) Policies and procedures approved by the council.

11 (5) Reports issued by the council.

12 §100.174. Court orders

13 The council shall disburse monies from the fund in a manner consistent with
14 the limitations on uses of litigation proceeds set forth in any controlling court order,
15 except to the extent any of the following conditions apply:

16 (1) If the controlling court order permits expenditures other than or in excess
17 of expenditures authorized pursuant to the provisions of this Subpart, then the
18 council shall adhere to the limitations on use of monies established in this Subpart.

19 (2) If the provisions of this Subpart authorize expenditures other than or in
20 excess of those authorized in a controlling court order, then the council shall adhere
21 to the limitations on use of monies set forth in the court order.

22 (3) If the controlling court order allocates litigation proceeds among specific
23 geographic areas, then the council shall disburse monies from the fund according to
24 the allocations set forth in the court order.

25 §100.175. Reporting

26 Beginning at least twelve months and no more than sixteen months after the
27 initial deposit of proceeds into the fund is made, and continuing each twelve-month
28 period thereafter, the Louisiana Department of Health shall provide a written report
29 to the governor and the legislature detailing the council's activities during the prior

1 twelve-month period. The report shall be published on the department's website.

2 Such report shall include at a minimum all of the following information:

3 (1) The opening and closing balance of the fund for the reporting period.

4 (2) An accounting of all credits to and expenditures from the fund.

5 (3) The name of each recipient of fund monies, the amount awarded to each,
6 and a description of what the funds will be used for, including the specific program,
7 service, or resource funded, the population served, and the measures that the
8 recipient will use to assess the impact of the award.

9 (4) The primary criteria used to determine each recipient and its respective
10 award amount.

11 (5) A summary of information included in each report required pursuant to
12 R.S. 39:100.173(D)(7).

13 (6) All applications for an award of monies from the fund received during
14 the calendar year.

15 (7) The performance indicators and progress toward achieving the goals and
16 objectives developed pursuant to the provisions of this Subpart, including metrics on
17 improving outcomes and reducing mortality and other harms related to substance use
18 disorders.

19 §100.176. Rules

20 The Louisiana Department of Health shall promulgate rules and regulations
21 necessary to implement the provisions of this Subpart. Notwithstanding any
22 provision of the Administrative Procedure Act, the Joint Legislative Committee on
23 the Budget shall be the sole committee with oversight over such rules.

24 Section 3. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

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 1045 Original

2022 Regular Session

Freeman

Abstract: Establishes the Opioid Litigation Proceeds Fund (OLP fund) for deposit of monies received pursuant to opioid litigation and creates the Opioid Litigation Proceeds Council ("council") in the La. Dept. of Health to oversee distribution and use of such monies.

Proposed law establishes the OLP fund in the treasury as a special fund and requires deposit into the fund of all proceeds received by the state in connection with legal claims made against manufacturers and distributors of prescription opioid analgesics, pharmacies that dispensed prescription opioid analgesics, and related parties, regardless of whether such proceeds are received as a lump sum or series of payments to be made over a period of time. Requires monies in the fund to be invested in the same manner as monies in the state general fund. Provides that interest earned on investment of monies in the fund shall be credited to the fund. Requires unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund. Authorizes the treasurer to deposit into the fund any gifts, grants, donations, bequests, or other monies received by Louisiana on the fund's behalf.

Proposed law defines "proceeds" to mean damages, penalties, attorneys' fees, costs, disbursements, refunds, rebates, or any other monetary payment made or paid by any defendant manufacturer or distributor of prescription opioid analgesics, pharmacy that dispensed prescription opioid analgesics, or related party to Louisiana by reason of any judgment, consent decree, or settlement, after payment of any costs or fees required by court order.

Proposed law restricts use of monies in the fund to the following purposes:

- (1) Statewide or community substance use disorder needs assessments to identify structural gaps and needs to inform expenditures from the fund.
- (2) Infrastructure required for evidence-based substance use disorder prevention, treatment, recovery, or harm reduction programs, services, and supports.
- (3) Programs, service, supports, and resources for evidence-based substance use disorder prevention, treatment, recovery, or harm reduction.
- (4) Evidence-informed substance use disorder prevention, treatment, recovery, or harm reduction pilot programs or demonstration studies that are not evidence-based but are approved by the council as an appropriate use of monies for a limited period of time as specified by the council.
- (5) Evaluations of effectiveness and outcomes reporting for substance use disorder abatement infrastructure, programs, services, supports, and resources for which monies from the fund were disbursed, such as impact on access to harm reduction services or treatment for substance use disorders, or reduction in drug-related mortality.
- (6) One or more data interfaces managed by the Louisiana Department of Health to aggregate, track, and report, free of charge and available online to the public, data on substance use disorder, overdoses, and drug-related harms; spending

- recommendations, plans and reports; and outcomes of programs, services ,supports, and resources for which monies from the fund were disbursed.
- (7) Expenses incurred in administering and staffing the fund and the council, provided that such expenses annually shall not exceed 4% of the fund's balance as of July 1 of the current fiscal year.
 - (8) Expenses associated with managing, investing, and disbursing monies in the fund provided that such expenses annually shall not exceed 2% of the fund's balance as of July 1 of the current fiscal year.

Proposed law further requires the state treasurer to issue a public report each July, submitted to the legislature and made available on the Dept. of the Treasury's website, specifying at a minimum all of the following:

- (1) An inventory of fund investments as of June 30 of the year the report is issued.
- (2) The net income the fund earned in the immediately prior fiscal year.
- (3) The dollar amount and the percentage of the fund balance incurred for expenses of administering and staffing the fund and council during the immediately prior fiscal year.
- (4) The dollar amount and the percentage of the fund balance incurred for expenses associated with managing, investing, and disbursing monies in the fund during the immediately prior fiscal year.

Proposed law establishes the council in the La. Department of Health. Requires the council to ensure that proceeds received by the state pursuant to the provisions of this Subpart are allocated and spent on Louisiana substance use disorder abatement infrastructure, programs, services, supports, and resources for prevention, treatment, recovery, and harm reduction and to ensure robust public involvement, accountability, and transparency in allocating and accounting for the monies in the fund.

Further establishes the composition of the council as follows:

- (1) The attorney general, or his designee.
- (2) The president of the Senate or his designee.
- (3) The speaker of the House of Representatives or his designee.
- (4) The secretary of the Department of Health or his designee.
- (5) One member appointed by the governor.
- (6) One member appointed by the La. Police Jury Association.
- (7) One member appointed by the La. Municipal Association.
- (8) One member appointed by the La. Behavioral Health Advisory Council.
- (9) One member appointed by the Advisory Council on Heroin and Opioid Prevention Education.

Requires that each member of the council must be a resident of Louisiana. Establishes terms for council members as follows: ex officio council members serve terms concurrent with the term of their office; members appointed by the governor, the La. Police Jury Assn. and the

La. Municipal Assn. each serve an initial term of two years and members appointed pursuant the La. Behavioral Health Advisory Council and the Advisory Council on Heroin and Opioid Prevention Education each serve an initial term of three years. Thereafter, each appointed member shall serve three-year terms. Further provides that vacancies shall be filled in the manner of the original appointment and for the remainder of the unexpired term.

Proposed law provides that the member appointed by the governor shall serve as chair for the inaugural term of the council. Thereafter, the council shall elect a chair from amongst its membership by a majority vote.

Establishes the following powers and duties for the council:

- (1) Recommend and approve policies and procedures for administration of the council and for the application, awarding, and disbursement of monies from the fund to be used for the purposes set forth in this Subpart.
- (2) Recommend and approve goals, objectives and their rationales, sustainability plans, and performance indicators relating to:
 - (a) Substance use disorder prevention, treatment, recovery, and harm reduction efforts.
 - (b) Reducing disparities in access to prevention, treatment, recovery, and harm reduction programs, services, supports, and resources.
 - (c) Improving health outcomes in traditionally underserved populations, including but not limited to those who live in rural or tribal communities, persons of color, and formerly incarcerated individuals.
- (3) Approve awards of monies from the fund exclusively for permissible expenditures set forth in this Subpart.
- (4) Deny award of monies from the fund to parishes, municipalities, or localities found to have used a prior award of fund monies for a purpose other than an approved purpose. Upon determination by the council that the parish, municipality, or locality has adequately remedied the violation, the council may award monies to such parish, municipality, or locality.
- (5) Ensure allocations of money from the fund across the state, considering the following criteria, at a minimum:
 - (a) The number of people per capita with a substance use disorder in the state.
 - (b) Disparities in access to care that may preclude persons with substance use disorder from obtaining a diagnosis or receiving evidence-based treatment.
 - (c) The number of overdose deaths per capita in the state.
 - (d) The infrastructure, programs, services, supports, or other resources currently available to individuals with substance use disorders.
 - (e) Disparities in access to care and health outcomes across the state.

Proposed law requires the La. Dept. of Health to do the following:

- (1) Employ a full-time executive director of the council.
- (2) Provide public health research and policy expertise, support staff, facilities, technical assistance, and other resources to assist the executive director of the council with the meetings and functions of the council and the day-to-day activities required to fulfill the mission of the program.
- (3) Utilize, where feasible, appropriations from the general fund and existing infrastructure, programs, services, supports, or other resources to address substance use disorders, overdoses, and drug-related harms in the state.

- (4) Prepare for review and approval by the council goals, objectives and their rationales, sustainability plans, and performance indicators relating to substance use disorder prevention, treatment, recovery, and harm reduction efforts and reducing disparities in access to prevention, treatment, recovery, and harm reduction programs, services, supports, and resources.
- (5) Evaluate applications and recommend to the council awards and disbursements of monies from the fund exclusively for permissible expenditures set forth in proposed law.
- (6) Maintain oversight over the expenditure of monies from the fund to ensure monies are used exclusively for the purposes set forth in proposed law.
- (7) Require recipients of monies from the fund to provide an annual report to the council detailing the effectiveness of infrastructure, programs, services, supports, or resources funded, including at a minimum all of the following:
 - (a) How the recipient used the monies for their intended purposes.
 - (b) The number of individuals served by race, age, gender, or other demographic factor reported without personally identifying information.
 - (c) A specific analysis of whether the infrastructure, program, service, supports, or resources reduced mortality or improved prevention, treatment, harm reduction, or recovery outcomes.
 - (d) If a plan to ensure the sustainability of the infrastructure, program, service, support, or resources funded exists, a summary of such plan.
- (8) Implement and publish on the council's website policies and procedures for administration of the council and for the application, awarding, and disbursement of monies from the fund to be used for the purposes set for this in proposed law.
- (9) Publish on the council's website an annual report of the council's activities and effectiveness.

Proposed law requires the council to hold at least four public meetings per year. Authorizes a meeting to be called by the chair or by a majority of the council's members. Provides that the council is subject to present law (Open Meetings Law and the Public Records Law) and that members of the council are subject to present law (Code of Governmental Ethics).

Proposed law provides that a majority of the voting members constitutes a quorum for the transaction of business. Prohibits proxies and requires all votes to be viva voce.

Proposed law provides that the provisions of law establishing and governing the council shall terminate when all proceeds as defined in proposed law have been disbursed, unless the attorney general certifies that additional monies are anticipated.

Proposed law requires the La. Dept. of Health to create and maintain a website which shall include information such as council meeting dates; attendance, minutes of meetings, recipient agreements and reports required thereto.

Proposed law requires the council to disburse monies from the fund in a manner consistent with the limitations on uses of litigation proceeds set forth in any controlling court order, except to the extent any of the following conditions apply:

- (1) If the controlling court order permits expenditures other than or in excess of expenditures authorized pursuant to the provisions of proposed law, then the council shall adhere to the limitations on use of monies established in proposed law.

- (2) If the provisions of proposed law authorize expenditures other than or in excess of those authorized in a controlling court order, then the council shall adhere to the limitations on use of monies set forth in the court order.
- (3) If the controlling court order allocates litigation proceeds among specific geographic areas, then the council shall disburse monies from the fund according to the allocations set forth in the court order.

Proposed law further requires annual reports by the La. Dept. of Health, beginning at least twelve months and no more than sixteen months after the initial deposit of proceeds into the fund is made. Requires such reports to be provided to the governor and the legislature and detailing the council's activities during the prior calendar year. Requires the reports to be published on the dept.'s website. Requires the following information, at a minimum:

- (1) The opening and closing balance of the fund for the reporting period.
- (2) An accounting of all credits to and expenditures from the fund.
- (3) The name of each recipient of fund monies, the amount awarded to each, and a description of what the funds will be used for, including the specific program, service, or resource funded, the population served, and the measures that the recipient will use to assess the impact of the award.
- (4) The primary criteria used to determine each recipient and its respective award amount.
- (5) A summary of information included in the report required pursuant to proposed law.
- (6) All applications for an award of monies from the fund received during the calendar year.
- (7) The performance indicators and progress toward achieving the goals and objectives developed pursuant to the provisions of this Subpart, including metrics on improving outcomes and reducing mortality and other harms related to substance use disorders.

Proposed law requires the La. Dept. of Health to promulgate rules and regulations necessary to implement the provisions of proposed law. Notwithstanding any provision of the present law (the Administrative Procedure Act), proposed law provides that the Joint Legislative Committee on the Budget shall be the sole committee with oversight over such rules.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 39:100.171-100.176)