

Effective 5/1/2024

26B-5-211 Administration of opioid litigation proceeds -- Requirements for governmental entities receiving opioid funds -- Reporting.

- (1) As used in this section:
 - (a) "Office" means the Office of Substance Use and Mental Health within the department.
 - (b) "Opioid funds" means money received by the state or a political subdivision of the state as a result of any judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the manufacture, marketing, distribution, or sale of opioids.
 - (c) "Restricted account" means the Opioid Litigation Proceeds Restricted Account created in Section 51-9-801.
- (2) Opioid funds may not be used to:
 - (a) reimburse expenditures that were incurred before the opioid funds were received by the governmental entity; or
 - (b) supplant or take the place of any funds that would otherwise have been expended for that purpose.
- (3) The office shall serve as the reporting entity to receive, compile, and submit any reports related to opioid funds that are required by law, contract, or other agreement.
- (4) The requirement described in Subsection (5) applies to:
 - (a) a recipient of opioid funds from the restricted account, in any year that opioid funds are received; and
 - (b) a political subdivision that received opioid funds.
- (5) A person described in Subsection (4) shall provide an annual report to the office, in a form and by a date established by the office, that includes:
 - (a) an accounting of all opioid funds that were received by the person in the year;
 - (b) the number of individuals served through programs funded by the opioid funds, including the individuals' age, gender, and other demographic factors reported in a de-identified manner;
 - (c) the measures that were used to determine whether the program funded by the opioid funds achieved the intended outcomes;
 - (d) if applicable, any information required to be submitted to the reporting entity under applicable law, contract, or other agreement; and
 - (e) the percentage of total funds received by the person in the year that the person used to promote the items under Subsections (6)(d)(i) through (vi).
- (6) On or before October 1 of each year, the office shall provide a written report that includes:
 - (a) the opening and closing balance of the restricted account for the previous fiscal year;
 - (b) the name of and amount received by each recipient of funds from the restricted account;
 - (c) a description of the intended use of each award, including the specific program, service, or resource funded, population served, and measures that the recipient used or will use to assess the impact of the award;
 - (d) the amount of funds expended to address each of the following items and the degree to which the department administered the program or subcontracted with a private entity:
 - (i) treatment services;
 - (ii) recovery support services;
 - (iii) prevention;
 - (iv) criminal justice;
 - (v) harm reduction; and
 - (vi) expanding any of the following services:
 - (A) housing;
 - (B) legal support;

- (C) education; and
 - (D) job training;
 - (e) a description of any finding or concern as to whether all opioid funds disbursed from the restricted account violated the prohibitions in Subsection (2) and, if applicable, complied with the requirements of a settlement agreement;
 - (f) the performance indicators and progress toward improving outcomes and reducing mortality and other harms related to substance use disorders; and
 - (g) administrative costs including indirect rates and direct service costs.
- (7) The office shall provide the information that is received, compiled, and submitted under this section:
- (a) to the Health and Human Services Interim Committee;
 - (b) to the Social Services Appropriations Subcommittee;
 - (c) if required under the terms of a settlement agreement under which opioid funds are received, to the administrator of the settlement agreement in accordance with the terms of the settlement agreement; and
 - (d) in a publicly accessible location on the department's website.
- (8) The office may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.

Amended by Chapter 271, 2024 General Session