

SB0155S02 compared with SB0155S01

~~{deleted text}~~ shows text that was in SB0155S01 but was deleted in SB0155S02.

inserted text shows text that was not in SB0155S01 but was inserted into SB0155S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Jen Plumb}~~ Representative Raymond P. Ward proposes the following substitute bill:

LITIGATION PROCEED FUND AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Raymond P. Ward

LONG TITLE

General Description:

This bill enacts requirements for the use of funds received from opioid litigation proceeds.

Highlighted Provisions:

This bill:

- ▶ designates the Office of Substance Use and Mental Health as the reporting entity for any settlement or other agreement that requires reporting on the use of opioid funds and describes the reporting requirements for governmental entities that receive opioid funds;~~{~~

~~→ establishes a process for the review of requests for funding through the Opioid Litigation Proceeds Restricted Account;}~~ and

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- ▶ modifies the Opioid Litigation Proceeds Restricted Account.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

51-9-801, as enacted by Laws of Utah 2020, Chapter 210

ENACTS:

26B-5-102, Utah Code Annotated 1953

~~{ **67-5-39**, Utah Code Annotated 1953~~

}

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-5-102** is enacted to read:

26B-5-102. 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.

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(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; and

(d) if applicable, any information required to be submitted to the reporting entity under applicable law, contract, or other agreement.

(6) Beginning October 1, 2023, and on or before October 1 of each year thereafter, 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) 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, comply with the requirements of a settlement agreement; and

(e) the performance indicators and progress toward improving outcomes and reducing mortality and other harms related to substance use disorders.

(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;

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(b) to the Social Services Appropriation 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.

Section 2. Section **51-9-801** is amended to read:

51-9-801. Opioid Litigation Proceeds Restricted Account.

(1) There is created within the General Fund a restricted account known as the Opioid Litigation [~~Settlement~~] Proceeds Restricted Account.

(2) The account consists of:

(a) any money deposited into the account in accordance with Subsection (3);

(b) interest earned on money in the account; and

(c) money appropriated to the account by the Legislature.

(3) Notwithstanding Sections 13-2-8 and 76-10-3114, after reimbursement to the attorney general and the Department of Commerce for expenses related to the matters described in Subsection (3)(a) or (b), the following shall be deposited into the account:

(a) all money received by the attorney general or the Department of Commerce 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 from a case designated as an opioid case by the attorney general in a legal services contract; and

(b) all money received by the attorney general or the Department of Commerce as a result of any multistate judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the manufacture, marketing, distribution, or sale of opioids.

(4) Subject to appropriation by the Legislature, money in the account shall be used:

(a) to address the effects of alleged violations of law related to the manufacture, marketing, distribution, or sale of opioids; ~~{} or {}~~

(b) if applicable, in accordance with the terms of a settlement agreement described in Subsection (3)(a) or (b) entered into by the state ~~{}.~~ {}; and

~~{~~ (c) beginning fiscal year 2025, only on an appropriation item if the request for

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~~appropriation was reviewed in accordance with Subsection (5):~~

~~—— (5) (a) Funds may not be appropriated from the restricted account unless:~~

~~—— (i) the request is made through a request for appropriation by a legislative sponsor;~~

~~—— (ii) the request for appropriation is filed with the Office of the Legislative Fiscal Analyst by December 31 of the year immediately before the Legislature's annual general session;~~

~~—— (iii) at the time the request for appropriation is filed, the request includes the purpose of the measure and all necessary information required by legislative rule; and~~

~~—— (iv) the request is reviewed by the advisory committee convened by the Office of the Attorney General in accordance with Section 67-5-39:~~

~~—— (b) The legislative sponsor of the request for appropriation under Subsection (5)(a) shall send a copy of the request for appropriation to the advisory committee as defined in Section 67-5-39:~~

~~—— Section 3. Section 67-5-39 is enacted to read:~~

~~—— **67-5-39. Review of requests for funding from the Opioid Litigation Proceeds Restricted Account -- Advisory committee designated -- Requests submitted to the office -- Review of submissions -- Reporting.**~~

~~—— (1) As used in this section:~~

~~—— (a) "Advisory committee" means a committee of subject matter experts designated by the executive committee of the Opioid Task Force convened by the Office of the Attorney General:~~

~~—— (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) The advisory committee shall consist of members who come from a variety of backgrounds and areas of expertise in the opioid crisis space:~~

~~—— (3) For each request that is sent to the advisory committee under Subsection 51-9-801(5)(b), the advisory committee shall:~~

~~—— (a) review the request;~~

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~~—— (b) (i) recommend that the project be funded through an appropriation from the restricted account; or~~

~~—— (ii) decline to recommend that the project be funded through an appropriation from the restricted account; and~~

~~—— (c) provide a brief explanation for the advisory committee's decision under Subsection (3)(b) to the office and the requesting person;~~

~~—— (4) On or before the beginning date of the annual general legislative session established in Section 36-3-201, the advisory committee shall report the advisory committee's recommendations under Subsection (3) to the Social Services Appropriations Subcommittee;~~

~~—— (5) This section does not prohibit the Legislature from appropriating funds for a request that the advisory committee has declined to recommend under Subsection (3)(b);~~

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