

OPIOID SETTLEMENT PROCEEDS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Raymond P. Ward

LONG TITLE

General Description:

This bill addresses the Opioid Litigation Proceeds Restricted Account.

Highlighted Provisions:

This bill:

► requires a recipient of opioid settlement proceeds to report certain data regarding the recipient's use of the opioid settlement proceeds.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-5-211, as enacted by Laws of Utah 2023, Chapter 319

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

Section 1. Section **26B-5-211** is amended to read:

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



28 department.

29 (b) "Opioid funds" means money received by the state or a political subdivision of the
30 state as a result of any judgment, settlement, or compromise of claims pertaining to alleged
31 violations of law related to the manufacture, marketing, distribution, or sale of opioids.

32 (c) "Restricted account" means the Opioid Litigation Proceeds Restricted Account
33 created in Section 51-9-801.

34 (2) Opioid funds may not be used to:

35 (a) reimburse expenditures that were incurred before the opioid funds were received by
36 the governmental entity; or

37 (b) supplant or take the place of any funds that would otherwise have been expended
38 for that purpose.

39 (3) The office shall serve as the reporting entity to receive, compile, and submit any
40 reports related to opioid funds that are required by law, contract, or other agreement.

41 (4) The requirement described in Subsection (5) applies to:

42 (a) a recipient of opioid funds from the restricted account, in any year that opioid funds
43 are received; and

44 (b) a political subdivision that received opioid funds.

45 (5) A person described in Subsection (4) shall provide an annual report to the office, in
46 a form and by a date established by the office, that includes:

47 (a) an accounting of all opioid funds that were received by the person in the year;

48 (b) the number of individuals served through programs funded by the opioid funds,
49 including the individuals' age, gender, and other demographic factors reported in a de-identified
50 manner;

51 (c) the measures that were used to determine whether the program funded by the opioid
52 funds achieved the intended outcomes; ~~and~~

53 (d) if applicable, any information required to be submitted to the reporting entity under
54 applicable law, contract, or other agreement~~[-]; and~~

55 (e) the percentage of total funds received by the person in the year that the person used
56 to promote the items under Subsections (6)(d)(i) through (vi).

57 ~~(6) [Beginning October 1, 2023, and on or before October 1 of each year thereafter] On~~
58 or before October 1 of each year, the office shall provide a written report that includes:

- 59 (a) the opening and closing balance of the restricted account for the previous fiscal
60 year;
- 61 (b) the name of and amount received by each recipient of funds from the restricted
62 account;
- 63 (c) a description of the intended use of each award, including the specific program,
64 service, or resource funded, population served, and measures that the recipient used or will use
65 to assess the impact of the award;
- 66 (d) the amount of funds expended to address each of the following items and the
67 degree to which the department administered the program or subcontracted with a private
68 entity:
- 69 (i) treatment services;
70 (ii) recovery support services;
71 (iii) prevention;
72 (iv) criminal justice;
73 (v) harm reduction; and
74 (vi) expanding any of the following services:
75 (A) housing;
76 (B) legal support;
77 (C) education; and
78 (D) job training;
- 79 [~~(d)~~] (e) a description of any finding or concern as to whether all opioid funds
80 disbursed from the restricted account violated the prohibitions in Subsection (2) and, if
81 applicable, complied with the requirements of a settlement agreement; [~~and~~]
- 82 [~~(e)~~] (f) the performance indicators and progress toward improving outcomes and
83 reducing mortality and other harms related to substance use disorders[-]; and
- 84 (g) administrative costs including indirect rates and direct service costs.
- 85 (7) The office shall provide the information that is received, compiled, and submitted
86 under this section:
- 87 (a) to the Health and Human Services Interim Committee;
88 (b) to the Social Services Appropriations Subcommittee;
89 (c) if required under the terms of a settlement agreement under which opioid funds are

90 received, to the administrator of the settlement agreement in accordance with the terms of the
91 settlement agreement; and

92 (d) in a publicly accessible location on the department's website.

93 (8) The office may make rules in accordance with Title 63G, Chapter 3, Utah
94 Administrative Rulemaking Act, to implement this section.

95 Section 2. **Effective date.**

96 This bill takes effect on May 1, 2024.