

An Act

ENROLLED SENATE
BILL NO. 1275

By: Howard of the Senate

and

Wallace of the House

An Act relating to opioid abatement; amending 74 O.S. 2021, Sections 30.5 and 30.8, which relate to the Political Subdivisions Opioid Abatement Grants Act; modifying scope of certain defined terms; deleting definition; revising criteria for allocating opioid grant awards to eligible participants; providing for the reimbursement of attorney fees and allowable expenses associated with legal services agreements; requiring initial opioid grant awards to be listed on a distribution table; updating statutory language; and declaring an emergency.

SUBJECT: Opioid abatement

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 2021, Section 30.5, is amended to read as follows:

Section 30.5. As used in the Political Subdivisions Opioid Abatement Grants Act:

1. "Approved purpose" and "approved purposes" mean evidence-based, forward-looking strategies, programming and services used to:
 - a. expand the availability of treatment for individuals affected by opioid use disorders, co-occurring substance use disorders and mental health issues,

- b. develop, promote and provide evidence-based opioid use prevention strategies,
- c. provide opioid use disorder and co-occurring substance use disorder avoidance and awareness education,
- d. decrease the oversupply of licit and illicit opioids,
- e. support recovery from addiction services performed by qualified and appropriately licensed providers,
- f. treat opioid use, abuse and disorders, including early intervention screening, counseling and support,
- g. support individuals in treatment and recovery from opioid use, abuse and disorder,
- h. provide programs or services to connect individuals with opioid use, abuse or disorder, or who are at risk of developing opioid use disorder, co-occurring substance use disorder and mental health issues, with treatment and counseling programs and services,
- i. address the needs of individuals who are involved, or who are at risk of becoming involved, in the criminal justice system due to opioid use, abuse or disorder through programs or services in municipal and county criminal judicial systems, including prearrest and postarrest diversion programs, pretrial services and drug or recovery courts,
- j. address the needs of pregnant or parenting women with opioid use, abuse or disorder and their families, ~~including babies with neonatal abstinence syndrome,~~
- k. address the needs of parents and caregivers caring for babies with neonatal abstinence syndrome,
- l. support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids,

- ~~l.~~ m. support efforts to discourage or prevent misuse of opioids, including the oversupply of licit and illicit opioids,
- ~~m.~~ n. support efforts to prevent or reduce overdose deaths or other opioid-related harms, including through increased availability and distribution of naloxone and other drugs that treat overdoses for use by first responders, persons who have experienced an overdose event, families, schools, community-based service providers, social workers and other members of the public,
- ~~n.~~ o. reimburse or fund law enforcement and emergency responder expenditures relating to the opioid epidemic, including costs of responding to emergency medical or police calls for service, equipment, treatment or response alternatives, mental health response training and training for law enforcement and emergency responders as to appropriate practices and precautions when dealing with opioids or individuals who are at risk of opioid overdose or death,
- ~~o.~~ p. reimburse attorney fees and allowable expenses directly related to opioid litigation incurred as part of legal services agreements entered into before May 21, 2020,
- q. support efforts to provide leadership, planning and coordination to abate the opioid epidemic through activities, programs or strategies for prevention and recovery models, including regional intergovernmental efforts and not-for-profit agency support,
- ~~p.~~ r. support education of youths regarding the dangers of opioid use, abuse and addiction,
- ~~q.~~ s. fund training relative to any approved purpose,
- ~~r.~~ t. monitor, surveil and evaluate opioid use, abuse or disorder, or

~~8.~~ u. provide opioid abatement as identified by the Oklahoma Opioid Abatement Board as consistent with the purpose of ~~this act~~ the Political Subdivisions Opioid Abatement Grants Act.

Provided that, such strategies, programming and services occurred on or after January 1, ~~2006~~ 2015;

2. "Board" means the Oklahoma Opioid Abatement Board;

3. "Eligible participant" means any political subdivision ~~or first responder organization that obtained legal representation or participated in litigation with pharmaceutical supply chain participants prior to the effective date of this act~~ impacted by the opioid crisis;

4. ~~"First responder organization" means a nonprofit organization formed and in good standing under 501(c)(9) of the Internal Revenue Code, whose primary function is to benefit public safety employees;~~

~~5.~~ "Nonapproved purpose" and "nonapproved purposes" mean strategies, programming and services not falling within the definition of ~~"approved purpose"~~ approved purpose or ~~"approved purposes"~~ approved purposes as defined in this ~~act~~ section;

~~6.~~ 5. "Opioid funds" means all monetary amounts obtained through a settlement or judgment by the Attorney General on behalf of ~~the State of Oklahoma~~ this state related to opioid litigation involving pharmaceutical supply chain participants, including the Purdue Political Subdivisions Fund but excluding all other funds received pursuant to the Purdue Settlement Agreement;

~~7.~~ 6. "Opioid grant awards" means grants funded from the Oklahoma Opioid Abatement Revolving Fund, awarded pursuant to the provisions of ~~this act~~ the Political Subdivisions Opioid Abatement Grants Act;

~~8.~~ 7. "Pharmaceutical supply chain" means the process and channels through which controlled substances are manufactured, marketed, promoted, distributed or dispensed;

~~9.~~ 8. "Pharmaceutical supply chain participant" means any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic;

~~10.~~ 9. "Political subdivision" and "political subdivisions" have the same meaning as provided in subparagraphs a, b, c and d of paragraph 11 of Section 152 of Title 51 of the Oklahoma Statutes;

~~11.~~ 10. "Purdue Political Subdivision Fund" means the Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) plus any interest accrued thereon received from the Revive Oklahoma Health Foundation consisting of funds from the Purdue Settlement Agreement designed for distribution to political subdivisions which have executed a release of legal claims as required by the Purdue Settlement Agreement; and

~~12.~~ 11. "Purdue Settlement Agreement" means the settlement agreement entered into by ~~the State of Oklahoma~~ this state and Purdue Pharma L.P., Purdue Pharma, Inc. and the Purdue Frederick Company on March 26, 2019, and approved by the Court on April 2, 2019.

SECTION 2. AMENDATORY 74 O.S. 2021, Section 30.8, is amended to read as follows:

Section 30.8. A. 1. The Oklahoma Opioid Abatement Board shall conduct an initial disbursement of opioid grant awards to participating eligible participants. Such opioid grant awards shall be allocated amongst the different participating eligible participants based on the following criteria, ~~giving equal weight to each criteria:~~

- a. the number of people per capita suffering from opioid use disorder in the participating political subdivision, or in the absence of such information, the opioid prescription rate in the political subdivision compared to the national average opioid prescription rate,
- b. the number of opioid overdose deaths in the participating political subdivision, ~~and~~

- c. the amount of opioids distributed within the participating political subdivision, and
- d. the amount of attorney fees and allowable expenses associated with legal services agreements directly related to opioid litigation incurred as part of legal services agreements entered into before May 21, 2020.

2. Grant awards shall be subject to legal services agreements entered into by ~~participating~~ eligible participants ~~based on the grant awards.~~

3. Initial opioid grant awards as provided for in this subsection shall be listed in an opioid grant award ~~allocation matrix~~ distribution table reviewed and approved by the Board to ensure that such awards adhere to the criteria ~~as provided in this subsection~~ adopted by the Board.

B. Following the awarding of opioid grant awards pursuant to subsection A of this section, any remaining unencumbered balance in the Oklahoma Opioid Abatement Revolving Fund shall be available to the Board to award as grants to eligible participants; provided such awards shall only be utilized by eligible participants for approved purposes.

C. In the event an eligible participant merges, dissolves or ceases to exist, any remaining allocations of an awarded opioid grant award in excess of Five Hundred Dollars (\$500.00) shall be reallocated equitably based on the composition of the successor eligible participant or the successor eligible participants.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 22nd day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____