

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE

5 BILL NO. 1275

By: Howard of the Senate

and

Wallace of the House

6  
7  
8                   An Act relating to opioid abatement; amending 74 O.S.  
9                   2021, Sections 30.5 and 30.8, which relate to the  
10                  Political Subdivisions Opioid Abatement Grants Act;  
11                  modifying scope of certain defined terms; deleting  
12                  definition; revising criteria for allocating opioid  
13                  grant awards to eligible participants; providing for  
14                  the reimbursement of attorney fees and allowable  
15                  expenses associated with legal services agreements;  
16                  requiring initial opioid grant awards to be listed on  
17                  a distribution table; updating statutory language;  
18                  and declaring an emergency.

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

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

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

24                  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,

- 1           b.    develop, promote and provide evidence-based opioid use  
2                prevention strategies,
- 3           c.    provide opioid use disorder and co-occurring substance  
4                use disorder avoidance and awareness education,
- 5           d.    decrease the oversupply of licit and illicit opioids,
- 6           e.    support recovery from addiction services performed by  
7                qualified and appropriately licensed providers,
- 8           f.    treat opioid use, abuse and disorders, including early  
9                intervention screening, counseling and support,
- 10          g.    support individuals in treatment and recovery from  
11                opioid use, abuse and disorder,
- 12          h.    provide programs or services to connect individuals  
13                with opioid use, abuse or disorder, or who are at risk  
14                of developing opioid use disorder, co-occurring  
15                substance use disorder and mental health issues, with  
16                treatment and counseling programs and services,
- 17          i.    address the needs of individuals who are involved, or  
18                who are at risk of becoming involved, in the criminal  
19                justice system due to opioid use, abuse or disorder  
20                through programs or services in municipal and county  
21                criminal judicial systems, including prearrest and  
22                postarrest diversion programs, pretrial services and  
23                drug or recovery courts,
- 24

1 j. address the needs of pregnant or parenting women with  
2 opioid use, abuse or disorder and their families,

3 ~~including babies with neonatal abstinence syndrome,~~

4 k. address the needs of parents and caregivers caring for  
5 babies with neonatal abstinence syndrome,

6 l. support efforts to prevent overprescribing and ensure  
7 appropriate prescribing and dispensing of opioids,

8 ~~l.~~ m. support efforts to discourage or prevent misuse of  
9 opioids, including the oversupply of licit and illicit  
10 opioids,

11 ~~m.~~ n. support efforts to prevent or reduce overdose deaths  
12 or other opioid-related harms, including through  
13 increased availability and distribution of naloxone  
14 and other drugs that treat overdoses for use by first  
15 responders, persons who have experienced an overdose  
16 event, families, schools, community-based service  
17 providers, social workers and other members of the  
18 public,

19 ~~n.~~ o. reimburse or fund law enforcement and emergency  
20 responder expenditures relating to the opioid  
21 epidemic, including costs of responding to emergency  
22 medical or police calls for service, equipment,  
23 treatment or response alternatives, mental health  
24 response training and training for law enforcement and

1 emergency responders as to appropriate practices and  
2 precautions when dealing with opioids or individuals  
3 who are at risk of opioid overdose or death,

4 ~~o.~~ p. reimburse attorney fees and allowable expenses  
5 directly related to opioid litigation incurred as part  
6 of legal services agreements entered into before May  
7 21, 2020,

8 q. support efforts to provide leadership, planning and  
9 coordination to abate the opioid epidemic through  
10 activities, programs or strategies for prevention and  
11 recovery models, including regional intergovernmental  
12 efforts and not-for-profit agency support,

13 ~~p.~~ r. support education of youths regarding the dangers of  
14 opioid use, abuse and addiction,

15 ~~q.~~ s. fund training relative to any approved purpose,

16 ~~r.~~ t. monitor, surveil and evaluate opioid use, abuse or  
17 disorder, or

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

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

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

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

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

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

14 ~~6.~~ 5. "Opioid funds" means all monetary amounts obtained  
15 through a settlement or judgment by the Attorney General on behalf  
16 of ~~the State of Oklahoma~~ this state related to opioid litigation  
17 involving pharmaceutical supply chain participants, including the  
18 Purdue Political Subdivisions Fund but excluding all other funds  
19 received pursuant to the Purdue Settlement Agreement;

20 ~~7.~~ 6. "Opioid grant awards" means grants funded from the  
21 Oklahoma Opioid Abatement Revolving Fund, awarded pursuant to the  
22 provisions of ~~this act~~ the Political Subdivisions Opioid Abatement  
23 Grants Act;

1       ~~8.~~ 7. "Pharmaceutical supply chain" means the process and  
2 channels through which controlled substances are manufactured,  
3 marketed, promoted, distributed or dispensed;

4       ~~9.~~ 8. "Pharmaceutical supply chain participant" means any  
5 entity that engages in or has engaged in the manufacture, marketing,  
6 promotion, distribution or dispensing of an opioid analgesic;

7       ~~10.~~ 9. "Political subdivision" and "political subdivisions"  
8 have the same meaning as provided in subparagraphs a, b, c and d of  
9 paragraph 11 of Section 152 of Title 51 of the Oklahoma Statutes;

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

17       ~~12.~~ 11. "Purdue Settlement Agreement" means the settlement  
18 agreement entered into by ~~the State of Oklahoma~~ this state and  
19 Purdue Pharma L.P., Purdue Pharma, Inc. and the Purdue Frederick  
20 Company on March 26, 2019, and approved by the Court on April 2,  
21 2019.

22       SECTION 2.       AMENDATORY       74 O.S. 2021, Section 30.8, is  
23 amended to read as follows:  
24

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

- 7 a. the number of people per capita suffering from opioid  
8 use disorder in the participating political  
9 subdivision, or in the absence of such information,  
10 the opioid prescription rate in the political  
11 subdivision compared to the national average opioid  
12 prescription rate,
- 13 b. the number of opioid overdose deaths in the  
14 participating political subdivision, ~~and~~
- 15 c. the amount of opioids distributed within the  
16 participating political subdivision, and
- 17 d. the amount of attorney fees and allowable expenses  
18 associated with legal services agreements directly  
19 related to opioid litigation incurred as part of legal  
20 services agreements entered into before May 21, 2020.

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

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

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

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

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

21  
22 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
23 SUBSTANCES, dated 04/14/2022 - DO PASS.  
24