

1 AN ACT relating to drug treatment and prevention and making an appropriation  
2 therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) The Kentucky addiction prevention, recovery, and enforcement fund is hereby*  
7 *created in the State Treasury as a restricted fund.*

8 *(2) (a) The fund shall be administered and managed by a committee made up of*  
9 *the following members:*

10 *1. The Attorney General, as chair;*

11 *2. The secretary of health and family services;*

12 *3. The Speaker of the House of Representatives, as an ex officio,*  
13 *nonvoting, advisory member;*

14 *4. The President of the Senate, as an ex officio, nonvoting, advisory*  
15 *member;*

16 *5. One (1) member representing law enforcement appointed by the*  
17 *Attorney General;*

18 *6. One (1) member representing Kentuckians who have lost family*  
19 *members to overdoses appointed by the Governor; and*

20 *7. One (1) member representing the drug treatment community*  
21 *appointed by the Governor.*

22 *(b) 1. Committee members described in paragraph (a)5. to 7. of this*  
23 *subsection shall be appointed to one (1) year terms, expiring on June*  
24 *30 of each calendar year. Any appointed member may be reappointed*  
25 *without limit.*

26 *2. Initial appointments of committee members described in paragraph*  
27 *(a)5. to 7. of this subsection shall be made within sixty (60) days of the*

1 effective date of this Act, and the initial terms of these appointed  
2 committee members shall expire on June 30, 2019.

3 (c) The committee shall meet quarterly at a location determined by the chair.

4 (d) A simple majority of the total number of voting members of the committee is  
5 required to make any decisions for allocation or expenditure of the moneys  
6 in the fund.

7 (3) (a) Notwithstanding KRS 48.005, the provisions of paragraph (b) of this  
8 subsection shall apply in litigation by the Attorney General on behalf of the  
9 Commonwealth against parties for:

10 1. Contributing to Kentucky's opioid epidemic;

11 2. Recovery of the costs of treating the epidemic; or

12 3. The practices that led to the epidemic.

13 (b) The Attorney General may first recover its reasonable costs of litigation, as  
14 determined by the court and approved by the secretary of the Finance and  
15 Administration Cabinet. After recovering the reasonable costs of litigation,  
16 any required consumer restitution or payments, or any other payments  
17 required by the court, shall be made. All remaining funds shall be deposited  
18 in the Kentucky addiction prevention, recovery, and enforcement fund  
19 established in this section, and shall not be deposited into the general fund  
20 or the general fund surplus account. Any costs recovered under this  
21 subsection shall be reported to the Interim Joint Committee on  
22 Appropriations and Revenue.

23 (4) Amounts deposited in the fund shall be used only for the following purposes:

24 (a) Addiction treatment services;

25 (b) Addiction prevention and education services;

26 (c) Law enforcement services; and

27 (d) Other programs addressing Kentucky's drug epidemic.

- 1 (5) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal  
2 year shall not lapse but shall be carried forward into the next fiscal year.
- 3 (6) Any interest earnings of the fund shall become a part of the fund and shall not  
4 lapse.
- 5 (7) Moneys deposited in the fund are hereby appropriated for the purposes set forth  
6 in this section and shall not be appropriated or transferred by the General  
7 Assembly for any other purposes.
- 8 (8) No later than October 1 of each calendar year, the committee shall provide a  
9 complete report and accounting of moneys received and spent by the fund in the  
10 prior fiscal year to the Legislative Research Commission.