

2020 Regular Session

HOUSE BILL NO. 389

BY REPRESENTATIVE ECHOLS

FUNDS/FUNDING: Provides for the disbursement of monies received in settlements from opioid manufacturers

1 AN ACT

2 To enact Subpart M of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.41 through 100.43, relative
4 to the disbursement of monies received from opioid settlements; to establish the
5 Louisiana Opioid Settlement Fund; to provide for administration of the fund; to
6 provide for specific uses of the fund; to provide for reporting requirements; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart M of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
10 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.41 through 100.43, is hereby
11 enacted to read as follows:

12 SUBPART M. LOUISIANA OPIOID SETTLEMENT FUND

13 §100.41. Louisiana Opioid Settlement Fund; purpose; program administration

14 A. There is hereby created in the state treasury, as a special fund, the
15 "Louisiana Opioid Settlement Fund", hereinafter referred to as the "fund".

16 B. The monies in the fund shall be used exclusively to grant funding to
17 entities for the purpose of providing opioid education, overdose prevention efforts,
18 and addiction research, treatment, and recovery as specified in Subsection F of this
19 Section.

1 C. After compliance with the requirements of Article VII, Section 9(B) of
2 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
3 all monies received by the state from any judgment, settlement, assessment of a civil
4 or criminal penalty, or otherwise collected as a result of a case or cause of action
5 against a manufacturer of opioids or any other responsible person brought to recover
6 monies expended or anticipated to be expended by the state or damages incurred by
7 the state in connection with the manufacturing, marketing, distribution, or sale of
8 opioids shall be deposited into the fund.

9 D. Monies in the fund shall be invested in the same manner as monies in the
10 general fund. Interest earned on investment of monies in the fund shall be credited
11 to the fund. Unexpended and unencumbered monies in the fund at the end of the
12 fiscal year shall remain in the fund.

13 E. The University of Louisiana at Monroe, in conjunction with the
14 University of Louisiana at Monroe College of Pharmacy, shall be the administrator
15 of the fund, hereinafter referred to as the "administrator". Monies in the fund shall
16 be appropriated to the University of Louisiana at Monroe to administer the funds to
17 eligible applicants in the form of grants. The administrator shall establish criteria for
18 eligibility.

19 F. Funds shall be disbursed by the administrator as follows:

20 (1) Twenty percent of the funds shall be used for prevention efforts
21 including:

22 (a) Education, addiction, and overdose prevention programs in public and
23 private colleges and universities and public and private elementary and secondary
24 schools.

25 (b) Continuing medical education for medical providers.

26 (c) Training for medical students and residents at Louisiana State University
27 Health Sciences Center in New Orleans, Louisiana State University Health Sciences
28 Center in Shreveport, Tulane University School of Medicine, and Edward Via
29 College of Osteopathic Medicine in Louisiana. The amount of funds disbursed

1 pursuant to this Subparagraph shall be prorated based on the number of medical
2 students and residents.

3 (2) Fifty percent of the funds shall be used to address the current opioid
4 crisis including:

5 (a) Rehabilitation and treatment services, including those provided by the
6 Louisiana Department of Public Safety & Corrections, corrections services.

7 (b) Drug courts.

8 (c) Counseling services and training.

9 (d) Opioid antagonist training.

10 (e) Medication assisted treatment education.

11 (f) Law enforcement operations, including those conducted by sheriffs, state
12 police, and municipal police.

13 (3) Thirty percent of the funds shall be used for addiction and treatment
14 research and development of opioid alternatives including:

15 (a) Non-addictive pharmaceutical research.

16 (b) Alternative pain management strategies.

17 G. Any funds distributed to an entity that remain unexpended or
18 unencumbered at the end of the fiscal year shall be available for use in the
19 subsequent fiscal year by the entity pursuant to its grant agreement.

20 H. Monies appropriated from the fund are in addition to, and separate from,
21 any other monies appropriated or allocated to any postsecondary education
22 management board. Allocations from this fund shall not be included in the Board of
23 Regents' funding formula calculation, nor shall it supplant any state general fund
24 allocation provided to institutions. The availability of monies from the fund shall not
25 in any way substitute, limit, or otherwise affect the allocation of any funds otherwise
26 available to those institutions under state or federal laws.

27 §100.42. Nonmonetary opioid settlements; administration

28 Any prescription medicine received by the state from any judgment,
29 settlement, assessment of civil or criminal penalty, or otherwise collected as a result

1 of a case or cause of action against a manufacturer of opioids or any other
 2 responsible person brought to recover monies expended or anticipated to be
 3 expended by the state or damages incurred by the state in connection with the
 4 manufacturing, marketing, distribution, or sale of opioids shall be administered by
 5 the University of Louisiana at Monroe in conjunction with the University of
 6 Louisiana at Monroe College of Pharmacy. The University of Louisiana at Monroe
 7 shall establish a procedure for distribution of the prescription medicine.

8 §100.43. Reporting requirements

9 In accordance with Part II of Chapter 13 of Title 24 of the Louisiana Revised
 10 Statutes of 1950, the University of Louisiana at Monroe shall submit an annual
 11 report to the Joint Legislative Committee on the Budget no later than August 1st of
 12 each year. The report shall include, at a minimum, information from the previous
 13 fiscal year on the number of grant applications received, amounts of grant funding
 14 distributed, and recipients of the funding.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 389 Original

2020 Regular Session

Echols

Abstract: Establishes the La. Opioid Settlement Fund for monies received from opioid settlements and provides for uses of the fund.

Proposed law establishes the La. Opioid Settlement Fund and requires that all monies received by the state from any opioid settlement be deposited into the fund.

Proposed law provides that the University of Louisiana at Monroe (ULM), in conjunction with the ULM College of Pharmacy, shall be the administrator of the fund and shall disburse the funds as follows:

- (1) 20% shall be used for prevention efforts including:
 - (a) Education, addiction, and overdose prevention programs in colleges, universities, and elementary and secondary schools.
 - (b) Continuing medical education for medical providers.
 - (c) Training for medical students and residents.
- (2) 50% shall be used to address the current opioid crisis including:

- (a) Rehabilitation and treatment services, including those provided by the Dept. of Public Safety & Corrections, corrections services.
 - (b) Drug courts.
 - (c) Counseling services and training.
 - (d) Opioid antagonist training.
 - (e) Medication assisted treatment education.
 - (f) Law enforcement operations, including those conducted by sheriffs, state police, and municipal police.
- (3) 30% shall be used for addiction and treatment research and development of opioid alternatives including:
- (a) Non-addictive pharmaceutical research.
 - (b) Alternative pain management strategies.

Proposed law provides that ULM, in conjunction with the ULM College of Pharmacy, shall administer any prescription medicine by the state from any opioid settlement and shall establish a procedure for distribution.

Proposed law requires ULM to submit an annual report to Joint Legislative Committee on the Budget that includes information on grant applications received, funding distributed, and recipients of the funding.

(Adds R.S. 39:100.41-100.43)