

Chapter 356

(House Bill 571)

AN ACT concerning

~~Overdose Response Program – Opioid Overdose Reversal Drugs – Choice of
Formulation and Dosage~~
Opioids – Opioid Restitution Advisory Council and Fund and Overdose
Response Program

FOR the purpose of authorizing the Attorney General to direct that an Opioid Restitution Fund Advisory Council committee be formed if required by a court or administrative order or settlement agreement entered into by the Attorney General; requiring the Maryland Department of Health, *subject to the limitations of the State budget*, to allow certain entities provided opioid overdose reversal drugs by the Department under the Overdose Response Program to choose the formulation or dosage of opioid overdose reversal drugs approved by the federal Food and Drug Administration with which the entity is to be provided; applying the requirement that the appropriation and distribution of funds in the Opioid Restitution Fund that were received in accordance with certain opioid-related final distributor and settlement agreements be made in a certain manner to funds received in accordance with any opioid-related court or administrative judgment or settlement agreement; and generally relating to ~~the Overdose Response Program~~ opioids.

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~7.5–903(f), 7.5–904, and~~ 13–3103
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 7–331(a) through (c)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–331(h)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

7.5-903.

(f) [With] SUBJECT TO § 7.5-904(C) OF THIS SUBTITLE, WITH the consent of the Council, the chair may designate additional individuals with relevant expertise to serve on a committee of the Council in an advisory capacity.

7.5-904.

(a) (1) [The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE Council may adopt procedures necessary to do business, including the creation of committees.

(2) The Council may consult with State agencies to carry out the duties of the Council.

(3) The Council shall meet at least four times a year.

(4) A majority of the voting members of the Council is a quorum.

(b) The Opioid Operational Command Center shall provide appropriate staff necessary to support the functions of the Council.

(C) (1) IF REQUIRED BY A COURT OR ADMINISTRATIVE ORDER OR A SETTLEMENT AGREEMENT ENTERED INTO BY THE ATTORNEY GENERAL, THE ATTORNEY GENERAL MAY DIRECT THAT A COUNCIL COMMITTEE BE FORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT.

(2) THE ATTORNEY GENERAL SHALL ESTABLISH PROCEDURES FOR A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ORDER TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THE COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONDUCT ONLY BUSINESS RELATED TO THE PURPOSE OF THE COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT THAT REQUIRED THE FORMATION OF THE SUBCOMMITTEE.

(II) A COMMITTEE MAY CONDUCT BUSINESS RELATED TO MULTIPLE COURT OR ADMINISTRATIVE ORDERS OR SETTLEMENT AGREEMENTS IF THE COURT OR ADMINISTRATIVE ORDERS OR SETTLEMENT AGREEMENTS CONTAIN IDENTICAL REQUIREMENTS.

(4) A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CONSIST ONLY OF MEMBERS OF THE COUNCIL.

(5) UNLESS OTHERWISE PROVIDED IN A COURT OR ADMINISTRATIVE ORDER OR SETTLEMENT AGREEMENT, THE CHAIR OF THE COUNCIL, OR THE CHAIR'S DESIGNEE, SHALL BE CHAIR OF A COMMITTEE FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

13-3103.

(a) The Department shall adopt regulations necessary for the administration of the Program.

(b) The Department may:

(1) Collect fees necessary for the administration of the Program;

(2) Authorize private or public entities to conduct education and training on opioid overdose recognition and response that include:

(i) Education on recognizing the signs and symptoms of an opioid overdose;

(ii) Training on responding to an opioid overdose, including the administration of opioid overdose reversal drugs approved by the federal Food and Drug Administration; and

(iii) Access to opioid overdose reversal drugs approved by the federal Food and Drug Administration and the necessary supplies for the administration of the opioid overdose reversal drugs;

(3) Develop guidance regarding the content of educational training programs conducted by private or public entities; and

(4) Collect and report data on the operation and results of the programs.

(c) An individual is not required to obtain training and education on opioid overdose recognition and response from a private or public entity under subsection (b) of this section in order for a pharmacist to dispense an opioid overdose reversal drug approved by the federal Food and Drug Administration to the individual.

(d) (1) Subject to the limitations of the State budget, the Department shall purchase and provide opioid overdose reversal drugs approved by the federal Food and Drug Administration, at no cost, to the providers who are required to offer opioid overdose reversal drugs approved by the federal Food and Drug Administration under § 8-408 or § 19-310.3 of this article.

(2) An entity required to offer an opioid overdose reversal drug approved by the federal Food and Drug Administration under § 8–408 or § 19–310.3 of this article may provide an opioid overdose reversal drug approved by the federal Food and Drug Administration only if the opioid overdose reversal drug approved by the federal Food and Drug Administration is provided by the Department.

(3) THE DEPARTMENT SHALL, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, ALLOW AN ENTITY THAT IS PROVIDED WITH OPIOID OVERDOSE REVERSAL DRUGS BY THE DEPARTMENT UNDER THIS SUBSECTION TO CHOOSE THE FORMULATION OR DOSAGE OF OPIOID OVERDOSE REVERSAL DRUGS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION WITH WHICH THE ENTITY IS TO BE PROVIDED.

Article – State Finance and Procurement

7–331.

(a) In this section, “Fund” means the Opioid Restitution Fund.

(b) There is an Opioid Restitution Fund.

(c) The purpose of the Fund is to retain the amount of settlement revenues deposited to the Fund in accordance with subsection (e)(1) of this section.

(h) (1) Expenditures from the Fund may be made only in accordance with the State budget.

(2) For settlement funds received in accordance with the final distributor agreement of July 21, 2021, with McKesson Corporation, Amerisource Bergen Corporation, and Cardinal Health Incorporated, as amended, [or] the Janssen settlement agreement of July 21, 2021, as amended, OR ANY OTHER OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT INVOLVING THE STATE AND ONE OR MORE OF ITS POLITICAL SUBDIVISIONS:

(i) appropriations from the Fund in the State budget shall be made in accordance with the allocation and distribution of funds to the State and its political subdivisions:

1. as agreed on in the State–subdivision agreement of January 21, 2022, as amended; OR

2. REQUIRED UNDER ANY OTHER OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, OR ANY SIMILAR AGREEMENT REACHED UNDER AN OPIOID-RELATED COURT OR

ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, INVOLVING THE STATE AND ONE OR MORE OF ITS POLITICAL SUBDIVISIONS; and

(ii) the Secretary of Health shall establish and administer a grant program for the distribution of funds to political subdivisions of the State in accordance with:

1. the State-subdivision agreement of January 21, 2022, as amended; OR

2. THE REQUIREMENTS OF ANY OTHER OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, OR ANY SIMILAR AGREEMENT REACHED UNDER AN OPIOID-RELATED COURT OR ADMINISTRATIVE JUDGMENT OR SETTLEMENT AGREEMENT, INVOLVING THE STATE AND ONE OR MORE OF ITS POLITICAL SUBDIVISIONS.

(3) The Attorney General shall identify and designate the controlling version of any agreement or amendment described under paragraph (2) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2023.

Approved by the Governor, May 3, 2023.