



2022 South Dakota Legislature

House Bill 1038

HOUSE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 **An Act to establish an opioid abatement and remediation fund and to declare an**
2 **emergency.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That chapter 34-20B be amended with a NEW SECTION:**

5 The opioid abatement and remediation fund is established in the state treasury.

6 Money received from the following sources may be deposited into the fund:

7 (1) Money received by the state pursuant to settlements or judgments relating to
8 opioids;

9 (2) Any gifts, bequests, or donations; and

10 (3) Interest earned on money in the fund established under this section shall be
11 credited to the fund.

12 All money in the opioid abatement and remediation fund may only be used for
13 purposes relating to opioid abuse treatment, prevention, and recovery programs and must
14 be appropriated through the normal budget process. Expenditures of the state from the
15 fund must be assigned to the Department of Social Services.

16 **Section 2.** Money received from the National Settlement Agreement involving Johnson &
17 Johnson, AmerisourceBergen, Cardinal Health, and McKesson, and a Bankruptcy Resolution
18 concerning Purdue Pharma, L.P. entered into by the State and the Participating Local
19 Governments, must be divided with 70% allocated to the State and 30% allocated directly to
20 participating local government subdivisions in proportions based on the opioid negotiation
21 class model to be used only for purposes relating to opioid abuse treatment, prevention, and
22 recovery programs.

23 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,
24 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
25 and effect from and after its passage and approval.