

1 ENGROSSED HOUSE
2 BILL NO. 2510

By: Kannady of the House
and
Thompson of the Senate

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6 [opioid abatement - Political Subdivisions Opioid
7 Abatement Grants Act - revising criteria for
8 allocating opioid grant awards to eligible
9 participants - effective date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 3, Chapter 130, O.S.L.
15 2020 (74 O.S. Supp. 2020, Section 30.5), is amended to read as
16 follows:

17 Section 30.5 As used in the Political Subdivisions Opioid
18 Abatement Grants Act:

- 19 1. "Approved purpose" and "approved purposes" mean evidence-
20 based, forward-looking strategies, programming and services used to:
21 a. expand the availability of treatment for individuals
22 affected by opioid use disorders, co-occurring
23 substance use disorders and mental health issues,
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- 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,
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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 ~~e.~~ p. reimburse attorney fees and expenses directly related
5 to opioid litigation incurred as part of legal
6 services agreements entered into before May 21, 2020,

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

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

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

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

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

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

23 2. "Board" means the Oklahoma Opioid Abatement Board;
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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~~ negatively
5 impacted by the 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" or "approved purposes" as defined
13 in this ~~act~~ section;

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

20 7. "Opioid grant awards" means grants funded from the Oklahoma
21 Opioid Abatement Revolving Fund, awarded pursuant to the provisions
22 of ~~this act~~ the Political Subdivisions Opioid Abatement Grants Act;
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1 8. "Pharmaceutical supply chain" means the process and channels
2 through which controlled substances are manufactured, marketed,
3 promoted, distributed or dispensed;

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

7 10. "Political subdivision" and "political subdivisions" have
8 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. "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. "Purdue Settlement Agreement" means the settlement
18 agreement entered into by the State of Oklahoma and Purdue Pharma
19 L.P., Purdue Pharma, Inc. and the Purdue Frederick Company on March
20 26, 2019, and approved by the Court on April 2, 2019.

21 SECTION 2. AMENDATORY Section 6, Chapter 130, O.S.L.
22 2020 (74 O.S. Supp. 2020, Section 30.8), is amended to read as
23 follows:
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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~~ adopted by the
17 Board.

18 2. ~~Grant awards shall be subject to legal services agreements~~
19 ~~entered into by participating eligible participants based on the~~
20 ~~grant awards.~~

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

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

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

14 SECTION 3. This act shall become effective November 1, 2021.

15 Passed the House of Representatives the 3rd day of March, 2021.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2021.

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Presiding Officer of the Senate

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