

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2510

By: Kannady of the House

and

Thompson of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to opioid abatement; amending
12 Sections 3 and 6, Chapter 130, O.S.L. 2020 (74 O.S.
13 Supp. 2020, Sections 30.5 and 30.8), which relate to
14 the Political Subdivisions Opioid Abatement Grants
15 Act; modifying scope of certain defined terms;
16 revising criteria for allocating opioid grant awards
17 to eligible participants; eliminating requirement for
18 legal services agreements; requiring initial opioid
19 grant awards to be listed on a distribution table;
20 and providing an effective date.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY Section 3, Chapter 130, O.S.L.
23 2020 (74 O.S. Supp. 2020, Section 30.5), is amended to read as
24 follows:

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

- 1 1. "Approved purpose" and "approved purposes" mean evidence-
2 based, forward-looking strategies, programming and services used to:
- 3 a. expand the availability of treatment for individuals
4 affected by opioid use disorders, co-occurring
5 substance use disorders and mental health issues,
 - 6 b. develop, promote and provide evidence-based opioid use
7 prevention strategies,
 - 8 c. provide opioid use disorder and co-occurring substance
9 use disorder avoidance and awareness education,
 - 10 d. decrease the oversupply of licit and illicit opioids,
 - 11 e. support recovery from addiction services performed by
12 qualified and appropriately licensed providers,
 - 13 f. treat opioid use, abuse and disorders, including early
14 intervention screening, counseling and support,
 - 15 g. support individuals in treatment and recovery from
16 opioid use, abuse and disorder,
 - 17 h. provide programs or services to connect individuals
18 with opioid use, abuse or disorder, or who are at risk
19 of developing opioid use disorder, co-occurring
20 substance use disorder and mental health issues, with
21 treatment and counseling programs and services,
 - 22 i. address the needs of individuals who are involved, or
23 who are at risk of becoming involved, in the criminal
24 justice system due to opioid use, abuse or disorder

1 through programs or services in municipal and county
2 criminal judicial systems, including prearrest and
3 postarrest diversion programs, pretrial services and
4 drug or recovery courts,

5 j. address the needs of pregnant or parenting women with
6 opioid use, abuse or disorder and their families,

7 ~~including babies with neonatal abstinence syndrome,~~

8 k. address the needs of parents and caregivers caring for
9 babies with neonatal abstinence syndrome,

10 l. support efforts to prevent overprescribing and ensure
11 appropriate prescribing and dispensing of opioids,

12 ~~l.~~ m. support efforts to discourage or prevent misuse of
13 opioids, including the oversupply of licit and illicit
14 opioids,

15 ~~m.~~ n. support efforts to prevent or reduce overdose deaths
16 or other opioid-related harms, including through
17 increased availability and distribution of naloxone
18 and other drugs that treat overdoses for use by first
19 responders, persons who have experienced an overdose
20 event, families, schools, community-based service
21 providers, social workers and other members of the
22 public,

23 ~~n.~~ o. reimburse or fund law enforcement and emergency
24 responder expenditures relating to the opioid

1 epidemic, including costs of responding to emergency
2 medical or police calls for service, equipment,
3 treatment or response alternatives, mental health
4 response training and training for law enforcement and
5 emergency responders as to appropriate practices and
6 precautions when dealing with opioids or individuals
7 who are at risk of opioid overdose or death,

8 ~~o.~~ p. reimburse attorney fees and expenses directly related
9 to opioid litigation incurred as part of legal
10 services agreements entered into before May 21, 2020,

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

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

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

19 ~~r.~~ t. monitor, surveil and evaluate opioid use, abuse or
20 disorder, or

21 ~~s.~~ u. provide opioid abatement as identified by the Oklahoma
22 Opioid Abatement Board as consistent with the purpose
23 of ~~this act~~ the Political Subdivisions Opioid
24 Abatement Grants Act.

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

3 2. "Board" means the Oklahoma Opioid Abatement Board;

4 3. "Eligible participant" means any political subdivision or
5 first responder organization ~~that obtained legal representation or~~
6 ~~participated in litigation with pharmaceutical supply chain~~
7 ~~participants prior to the effective date of this act~~ negatively
8 impacted by the opioid crisis;

9 4. "First responder organization" means a nonprofit
10 organization formed and in good standing under 501(c)(9) of the
11 Internal Revenue Code, whose primary function is to benefit public
12 safety employees;

13 5. "Nonapproved purpose" and "nonapproved purposes" mean
14 strategies, programming and services not falling within the
15 definition of "approved purpose" or "approved purposes" as defined
16 in this ~~act~~ section;

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

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1 7. "Opioid grant awards" means grants funded from the Oklahoma
2 Opioid Abatement Revolving Fund, awarded pursuant to the provisions
3 of ~~this act~~ the Political Subdivisions Opioid Abatement Grants Act;

4 8. "Pharmaceutical supply chain" means the process and channels
5 through which controlled substances are manufactured, marketed,
6 promoted, distributed or dispensed;

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

10 10. "Political subdivision" and "political subdivisions" have
11 the same meaning as provided in subparagraphs a, b, c and d of
12 paragraph 11 of Section 152 of Title 51 of the Oklahoma Statutes;

13 11. "Purdue Political Subdivision Fund" means the Twelve
14 Million Five Hundred Thousand Dollars (\$12,500,000.00) plus any
15 interest accrued thereon received from the Revive Oklahoma Health
16 Foundation consisting of funds from the Purdue Settlement Agreement
17 designed for distribution to political subdivisions which have
18 executed a release of legal claims as required by the Purdue
19 Settlement Agreement; and

20 12. "Purdue Settlement Agreement" means the settlement
21 agreement entered into by the State of Oklahoma and Purdue Pharma
22 L.P., Purdue Pharma, Inc. and the Purdue Frederick Company on March
23 26, 2019, and approved by the Court on April 2, 2019.

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1 SECTION 2. AMENDATORY Section 6, Chapter 130, O.S.L.
2 2020 (74 O.S. Supp. 2020, Section 30.8), is amended to read as
3 follows:

4 Section 30.8 A. 1. The Oklahoma Opioid Abatement Board shall
5 conduct an initial disbursement of opioid grant awards to
6 participating eligible participants. Such opioid grant awards shall
7 be allocated amongst the different participating eligible
8 participants based on ~~the following criteria, giving equal weight to~~
9 ~~each criteria:~~

- 10 a. ~~the number of people per capita suffering from opioid~~
11 ~~use disorder in the participating political~~
12 ~~subdivision, or in the absence of such information,~~
13 ~~the opioid prescription rate in the political~~
14 ~~subdivision compared to the national average opioid~~
15 ~~prescription rate,~~
- 16 b. ~~the number of opioid overdose deaths in the~~
17 ~~participating political subdivision, and~~
- 18 c. ~~the amount of opioids distributed within the~~
19 ~~participating political subdivision~~ adopted by the
20 Board.

21 2. ~~Grant awards shall be subject to legal services agreements~~
22 ~~entered into by participating eligible participants based on the~~
23 ~~grant awards.~~

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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/24/2021 -
20 DO PASS, As Amended and Coauthored.

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