

STATE OF NEW YORK

2466

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. REYES, GOTTFRIED, JACOBSON, PERRY, FRONTUS,
MONTESANO -- read once and referred to the Committee on Alcoholism and
Drug Abuse

AN ACT to amend the state finance law, in relation to establishing an
opioid settlement fund

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The state finance law is amended by adding a new section
2 99-ii to read as follows:

3 § 99-ii. Opioid settlement fund. 1. There is hereby established in the
4 joint custody of the state comptroller and the commissioner of taxation
5 and finance a special fund to be known as the "opioid settlement fund".

6 2. Money allocated to the opioid settlement fund shall be kept sepa-
7 rate and shall not be commingled with any other funds in the custody of
8 the state comptroller.

9 3. Monies expended from such fund shall be used to supplement and not
10 supplant any other funds which would otherwise have been expended for
11 alcohol and substance use addiction prevention or recovery.

12 4. Such fund shall consist of money received by the state as a result
13 of the settlement of litigation with entities that manufactured, sold,
14 distributed or promoted prescription opioids, pursuant to the Master
15 Settlement Agreement entered into by the, inter alia, attorney general
16 of the state of New York and entities that manufactured, sold, distrib-
17 uted or promoted prescription opioids, as well as any funds received as
18 a result of a judgement, stipulation, decree, agreement to settle,
19 assurance of discontinuance, or other legal instrument resolving any
20 claim or cause of action against manufacturers, distributors, and
21 vendors of opioids arising out of activities alleged to have contributed
22 to increases in opioid addiction, whether filed or unfiled, actual or
23 potential, and whether arising under common law, equity, or any
24 provision of law, and all other monies appropriated, credited, or trans-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ferred thereto from any other fund or source pursuant to law. All monies
2 shall remain in such fund unless otherwise directed by statute.

3 5. Monies from the opioid settlement fund shall be available following
4 appropriation by the legislature and may only be expended on programs to
5 support services to combat substance use and addiction issues, and
6 co-occurring mental illnesses in New York state. Funding decisions
7 should include an emphasis on supporting programs that are culturally
8 and gender competent, trauma-informed, evidence-based and, where appro-
9 priate, employ individuals with lived experience as part of the services
10 provided. Services to be supported from the opioid settlement fund
11 should include, but not be limited to, programs:

12 (a) To prevent substance use disorder through an evidence-based youth-
13 focused public health education and prevention campaign, including
14 school-based prevention, early intervention, and health care services
15 and programs to reduce the risk of substance use by school-aged chil-
16 dren;

17 (b) To develop and implement statewide public education campaigns to
18 reduce stigma against individuals who use drugs, provide information
19 about the risks of substance use, best practices for addressing
20 substance use disorders, and information on how to locate services that
21 reduce the adverse health consequences associated with drug use or
22 provide treatment for substance use disorders;

23 (c) To provide substance use disorder treatment and early recovery
24 programs for youth and adults, with an emphasis on programs that provide
25 a continuum of care that includes screening and assessment for substance
26 use disorders and co-occurring disorders, early intervention, active
27 treatment, family involvement, case management, relapse management for
28 substance use and other co-occurring behavioral health disorders, voca-
29 tional services, literacy services, parenting classes, family therapy
30 and counseling services, medication-assisted treatments, psychiatric
31 medication and psychotherapy;

32 (d) To provide harm reduction counseling and services to reduce the
33 adverse health consequences associated with drug use, including overdose
34 prevention and prevention of communicable diseases related to substance
35 use, provided by a qualified drug treatment program or community-based
36 organization;

37 (e) To provide housing services, including supportive housing
38 services, for individuals who use drugs and individuals who are receiv-
39 ing treatment or are in recovery from a substance use disorder;

40 (f) To support community-based programs that reduce the likelihood of
41 criminal justice involvement for individuals who use drugs; and

42 (g) To provide programs for pregnant women and new parents who
43 currently or formerly used drugs.

44 6. (a) The opioid settlement board is established to provide recommen-
45 dations on how the opioid settlement fund shall be allocated to the
46 legislature.

47 (b) The opioid settlement board shall consist of:

48 (i) the commissioners of addiction services and supports, mental
49 health, and health, or their designees, serving as ex-officio members;

50 (ii) four appointments by the governor;

51 (iii) three appointments by the temporary president of the senate; and

52 (iv) three appointments by the speaker of the assembly.

53 (c) Each member shall be appointed to serve three-year terms and in
54 the event of a vacancy, the vacancy shall be filled in the manner of the
55 original appointment for the remainder of the term. The appointed
56 members and commissioners shall receive no compensation for their

1 services but shall be allowed their actual and necessary expenses
2 incurred in the performance of their duties as board members.

3 (d) Every effort shall be made to ensure a balanced and diverse
4 committee representing the regions and demographics of the state.
5 Appointed members shall have an expertise in public and behavioral
6 health, substance use disorder treatment, harm reduction, criminal
7 justice, and drug policy. Further, the board shall include individuals
8 with personal or professional experience with substance use and
9 addiction issues, and co-occurring mental illnesses.

10 (e) The chairperson of the board and the vice chairperson shall be
11 elected from among the members of the board by the members of such
12 board. The vice chairperson shall represent the board in the absence of
13 the chairperson at all official board functions. A majority of the full
14 authorized membership of the board shall constitute a quorum.

15 (f) Members of the board shall not take any action to direct funding
16 from the opioid settlement fund to any entity in which they or their
17 family members have any interest, direct or indirect, or receive any
18 commission or profit whatsoever, direct or indirect. Members of the
19 board shall recuse themselves from any discussion or vote relating to
20 such interest.

21 § 2. This act shall take effect immediately.