STATE OF NEW YORK

11059

IN ASSEMBLY

October 7, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Reyes) -- 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 Assembly, do enact as follows:

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

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

2. Money allocated to the opioid settlement fund shall be kept separate and shall not be commingled with any other funds in the custody of the state comptroller.

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

4. Such fund shall consist of money received by the state as a result of the settlement of litigation with entities that manufactured, sold, distributed or promoted prescription opioids, pursuant to the Master Settlement Agreement entered into by the, inter alia, attorney general of the state of New York and entities that manufactured, sold, distributed or promoted prescription opioids, as well as any funds received as a result of a judgement, stipulation, decree, agreement to settle, assurance of discontinuance, or other legal instrument resolving any claim or cause of action against manufacturers, distributors, and vendors of opioids arising out of activities alleged to have contributed to increases in opioid addiction, whether filed or unfiled, actual or potential, and whether arising under common law, equity, or any provision of law, and all other monies appropriated, credited, or transferred thereto from any other fund or source pursuant to law. All monies shall remain in such fund unless otherwise directed by statute.

5. Monies from the opioid settlement fund shall be available following appropriation by the legislature and may only be expended on programs to

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

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support services to combat substance use and addiction issues, and co-occurring mental illnesses in New York state. Funding decisions should include an emphasis on supporting programs that are culturally and gender competent, trauma-informed, evidence-based and, where appropriate, employ individuals with lived experience as part of the services provided. Services to be supported from the opioid settlement fund should include, but not be limited to, programs:

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

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

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

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

(e) To provide housing services, including supportive housing services, for individuals who use drugs and individuals who are receiving treatment or are in recovery from a substance use disorder;

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

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

6. (a) The opioid settlement board is established to provide recommendations on how the opioid settlement fund shall be allocated to the legislature.

(b) The opioid settlement board shall consist of:

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

(ii) four appointments by the governor;

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

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

(c) Each member shall be appointed to serve three-year terms and in the event of a vacancy, the vacancy shall be filled in the manner of the original appointment for the remainder of the term. The appointed members and commissioners shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties as board members.

(d) Every effort shall be made to ensure a balanced and diverse committee representing the regions and demographics of the state.

Appointed members shall have an expertise in public and behavioral health, substance use disorder treatment, harm reduction, criminal justice, and drug policy. Further, the board shall include individuals with personal or professional experience with substance use and addiction issues, and co-occurring mental illnesses.

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

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

§ 2. This act shall take effect immediately.