

HOUSE No. 4532

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 9, 2020.

The committee on Mental Health, Substance Use and Recovery, to whom was referred the petition (accompanied by bill, House, No. 1703) of Claire D. Cronin and others relative to opioid drug manufacturer assessments, reports recommending that the accompanying bill (House, No. 4532) ought to pass.

For the committee,

MARJORIE C. DECKER.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to opioid drug manufacturer assessments.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws, as appearing in the 2018 Official
2 Edition, is hereby amended by inserting after section 24B the following section:-

3 Section 24C. (a) Every person that manufactures any opioid drug for distribution,
4 dispensing or use in the commonwealth, shall pay an assessment equal to the product of (i) the
5 ratio of the manufacturer’s annual aggregate distribution and dispensing of opioid drugs in the
6 commonwealth and (ii) the total annual aggregate distribution and dispensing of opioid drugs in
7 the commonwealth. For the purposes of this section the term “opioid drug” means any drug
8 having an addiction-forming or addiction-sustaining liability similar to morphine or being
9 capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

10 (b) Annually, before October 1, the department shall establish each person’s or
11 manufacturer’s liability to pay the assessment. Each person or manufacturer shall pay the
12 assessment amount to the department for deposit in the Opioid Treatment and Addiction
13 Prevention Fund established in this section. The department shall specify by regulation

14 appropriate mechanisms, including use of the prescription monitoring program provided for in
15 section 24A and the data provided for in section 24B, to provide for determination of the
16 person's or manufacturer's liability for the assessment, including requirements for data to be
17 submitted by such person or manufacturer.

18 (c) The department shall establish by regulation an appropriate mechanism for enforcing
19 an assessment payor's liability to the fund if an assessment payor does not make a payment to the
20 fund. Such enforcement mechanism may include assessment of interest on the unpaid liability at
21 a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate
22 not to exceed 5 per cent per month.

23 (d) There shall be established and set up on the books of the commonwealth a fund to be
24 known as the Opioid Treatment and Addiction Prevention Fund, in this section called the fund,
25 which shall be administered by the department. Expenditures from the fund shall not be subject
26 to appropriation. The purpose of the fund shall be to provide for: (i) prevention, treatment
27 management and recovery services and (ii) research to reduce barriers to effective pain
28 management alternatives to opioid drugs.

29 (e) The fund shall consist of: (i) all assessments paid under this section; and (ii) all
30 property and securities acquired by and through the use of monies belonging to the fund. All
31 interest earned on any property, security, penalties or other amounts in the fund shall be
32 deposited or retained in the fund. Any money remaining in the fund at the end of a fiscal year
33 shall not revert to the General Fund and shall be available for expenditure in subsequent fiscal
34 years

35 (f) The department shall expend amounts in the fund consistent with the requirements of
36 this section.

37 SECTION 2. The department of public health shall promulgate regulations to implement
38 this act within 180 days of the effective date of this act.

39 SECTION 3. Section 1 shall take effect on June 30, 2020.