

HOUSE No. 5129

Section 3 contained in the engrossed Bill making appropriations for the fiscal year 2020 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5102, *amended*), which had been returned by His Excellency the Governor with recommendation of amendment (for message see House, No. 5130). November 10, 2020.

The Commonwealth of Massachusetts

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

An Act establishing the Opioid Recovery and Remediation Trust Fund.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith the Opioid Recovery and Remediation Trust Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 10 of the General Laws is hereby amended by inserting after section
2 35NNN, inserted by the section 1 of chapter 132 of the acts of 2019, the following section:-

3 Section 35000. (a) There shall be an Opioid Recovery and Remediation Trust Fund.
4 Expenditures from the fund shall be made by the executive office of health and human services,
5 without further appropriation and consistent with the terms of settlements made in connection
6 with claims arising from the manufacture, marketing, distribution or dispensing of opioids, as
7 applicable. The secretary of health and human services, in consultation with the opioid recovery

8 and remediation trust fund advisory council established in subsection (b), shall administer the
9 fund.

10 The fund shall be expended to mitigate the impacts of the opioid epidemic in the
11 commonwealth, including, but not limited to, expanding access to opioid use disorder
12 prevention, intervention, treatment and recovery options. Expenditures from the fund shall
13 supplement and shall not replace existing local, state, private or federal funding. The secretary
14 shall annually award not less than 75 per cent of the amounts in the fund. Amounts credited to
15 the fund shall not be subject to further appropriation and monies remaining in the fund at the end
16 of a fiscal year shall not revert to the General Fund.

17 There shall be credited to the fund: (i) amounts recovered by the commonwealth and
18 credited thereto in connection with claims arising from the manufacture, marketing, distribution
19 or dispensing of opioids; (ii) appropriations or other monies authorized by the general court and
20 so designated; (iii) funds from public or private sources, including, but not limited to, gifts,
21 grants, donations, rebates and settlements received by the commonwealth designated to the fund;
22 and (iv) any interest earned on such amounts.

23 (b) There shall be an opioid recovery and remediation trust fund advisory council
24 regarding the expenditures from the fund. The council shall consist of the following members or
25 their designees: the secretary of health and human services, who shall serve as a non-voting
26 chair; 1 person to be appointed by the senate president; 1 person to be appointed by the speaker
27 of the house of representatives; 1 person to be appointed by the minority leader of the senate; 1
28 person to be appointed by the minority leader of the house of representatives; 3 persons to be
29 appointed by the governor, including not less than 1 person qualified by experience with opioid

30 use disorder, either first-hand or as a family member of an individual with opioid use disorder; 3
31 persons to be appointed by the attorney general, including not less than 1 person qualified by
32 experience with opioid use disorder, either first-hand or as a family member of an individual
33 with opioid use disorder; and 10 people to be appointed by the Massachusetts Municipal
34 Association, Inc., who are officials employed by a city or town and who represent the diversity
35 of the commonwealth's cities and towns; provided, however, that not less than 2 officials
36 appointed under this clause shall be employed by a city or town that is a gateway municipality,
37 as defined in section 3A of chapter 23A; and provided, further, that no 2 officials appointed
38 under this clause shall be employed by a city or town that is in the same county.

39 In making appointments, the appointing authorities shall ensure that the council includes:
40 (i) members representing racially and socioeconomically diverse communities; (ii) members with
41 public health expertise concerning opioid use disorder; (iii) members with personal experience
42 with opioid use disorder; and (iv) members who will contribute to reducing disparities in health
43 outcomes for underserved communities experiencing opioid use disorder. The appointing
44 authorities shall also consider having racially diverse representation on the council.

45 The council shall hold no fewer than 4 meetings annually and the council shall make its
46 recommendations upon a majority vote. The council shall be subject to sections 18 to 25,
47 inclusive, of chapter 30A. Council members shall serve without compensation for terms of 2
48 years. Members shall be reimbursed for actual expenses necessarily incurred in the performance
49 of their duties. Any member shall be eligible for reappointment. In the event of a vacancy, the
50 original appointing authority shall appoint a new member to fulfill the remainder of the
51 unexpired term. Any member who is appointed may be removed by the appointing authority. The
52 secretary of health and human services shall provide administrative support to the council.

53 (c) Annually, not later than October 1, the secretary of health and human services shall
54 file a report on the activity, revenue and expenditures to and from the fund with the clerks of the
55 senate and the house of representatives, the house and senate committees on ways and means and
56 the joint committee on mental health, substance use and recovery and made available on the
57 executive office of health and human services' public website. The report shall include, but not
58 be limited to: (i) the revenue credited to the fund; (ii) the amount of expenditures attributable to
59 the administrative costs of the executive office; (iii) an itemized list of the funds expended from
60 the fund; and (iv) data and an assessment of how well resources have been directed to vulnerable
61 and under-served communities.

62 SECTION 2. This act shall take effect as of November 6, 2020.