

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1128

Introduced by Vargas, 7.

Read first time January 10, 2024

Committee:

1 A BILL FOR AN ACT relating to the Opioid Prevention and Treatment Act; to
2 amend sections 71-2485, 71-2488, and 71-2490, Revised Statutes
3 Cumulative Supplement, 2022; to rename and change provisions
4 relating to the Nebraska Opioid Recovery Fund; to create the Opioid
5 Cash Fund; to harmonize provisions; to repeal the original sections;
6 and to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2485, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 71-2485 Sections 71-2485 to 71-2490 and section 4 of this act shall
4 be known and may be cited as the Opioid Prevention and Treatment Act.

5 Sec. 2. Section 71-2488, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 71-2488 Any funds appropriated from the Opioid Cash Fund or
8 distributed from the Nebraska Opioid Recovery Trust Fund under the Opioid
9 Prevention and Treatment Act shall not be considered ongoing entitlements
10 or an obligation on the part of the State of Nebraska. Any funds
11 appropriated or distributed under the act shall be spent in accordance
12 with the terms of any verdict, judgment, compromise, or settlement in or
13 out of court, of any case or controversy brought by the Attorney General
14 pursuant to the Consumer Protection Act or the Uniform Deceptive Trade
15 Practices Act.

16 Sec. 3. Section 71-2490, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 71-2490 (1) The Nebraska Opioid Recovery Trust Fund is created. The
19 fund shall include all recoveries received on behalf of the state by the
20 Department of Justice pursuant to the Consumer Protection Act or the
21 Uniform Deceptive Trade Practices Act related to the advertising of
22 opioids. The fund shall include any money, payments, or other things of
23 value in the nature of civil damages or other payment, except criminal
24 penalties, whether such recovery is by way of verdict, judgment,
25 compromise, or settlement in or out of court, of any case or controversy
26 pursuant to such acts. The Department of Justice shall remit any such
27 revenue to the State Treasurer for credit to the Nebraska Opioid Recovery
28 Trust Fund.

29 (2) Any funds appropriated, expended, or distributed from the
30 Nebraska Opioid Recovery Trust Fund shall be spent in accordance with the
31 terms of any verdict, judgment, compromise, or settlement in or out of

1 court, of any case or controversy brought by the Attorney General
2 pursuant to the Consumer Protection Act or the Uniform Deceptive Trade
3 Practices Act. Subject to the terms and conditions of such litigation or
4 settlement, money from the Nebraska Opioid Recovery Trust Fund shall be
5 transferred to the Opioid Cash Fund as provided in section 4 of this act.

6 (3) The Nebraska Opioid Recovery Trust Fund ~~fund~~ shall exclude funds
7 held in a trust capacity where specific benefits accrue to specific
8 individuals, organizations, political subdivisions, or governments. Such
9 excluded funds shall be deposited in the State Settlement Trust Fund
10 pursuant to section 59-1608.05.

11 (4) Any money in the Nebraska Opioid Recovery Trust Fund available
12 for investment shall be invested by the state investment officer pursuant
13 to the Nebraska Capital Expansion Act and the Nebraska State Funds
14 Investment Act.

15 Sec. 4. (1) The Opioid Cash Fund is created. The State Treasurer
16 shall transfer XXX dollars on or before every July 15 from the Nebraska
17 Opioid Recovery Trust Fund to the Opioid Cash Fund, except that such
18 amount shall be reduced by the amount of the unobligated balance in the
19 Opioid Cash Fund at the time the transfer is made. The state investment
20 officer shall advise the State Treasurer on the amounts to be transferred
21 from the Nebraska Opioid Recovery Trust Fund in order to sustain such
22 transfers in perpetuity. The state investment officer shall report
23 electronically to the Legislature on or before October 1 of every even-
24 numbered year on the sustainability of such transfers. Except as
25 otherwise provided by law, no more than the amounts specified in this
26 subsection may be appropriated or transferred from the Opioid Cash Fund
27 in any fiscal year.

28 (2) Any money in the Opioid Cash Fund available for investment shall
29 be invested by the state investment officer pursuant to the Nebraska
30 Capital Expansion Act and the Nebraska State Funds Investment Act.

31 Sec. 5. Original sections 71-2485, 71-2488, and 71-2490, Revised

1 Statutes Cumulative Supplement, 2022, are repealed.

2 Sec. 6. Since an emergency exists, this act takes effect when
3 passed and approved according to law.