

LEGISLATIVE BILL 1124

Approved by the Governor August 07, 2020

Introduced by Howard, 9; Lindstrom, 18.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Opioid Prevention and Treatment Act.

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

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Opioid Prevention and Treatment Act.

Sec. 2. The purpose of the Opioid Prevention and Treatment Act is to provide for the use of dedicated revenue for opioid-disorder-related treatment and prevention.

Sec. 3. The Legislature finds that:

(1) There is an opioid epidemic occurring in the United States, and Nebraska has been impacted;

(2) Many states are recovering funds for the management of opioid addiction within their borders;

(3) Coordination surrounding and managing opioid addiction and related disorders is critical to the health and safety of all Nebraskans;

(4) Funding for prevention and treatment of opioid addiction and related disorders, including those that are co-occurring with other mental health and substance use disorders, is needed in Nebraska;

(5) Law enforcement agencies in the State of Nebraska are dealing with the effects of the opioid epidemic daily and are in need of resources for training, education, and interdiction;

(6) There is a need to enhance the network of professionals who provide treatment for opioid addiction and related disorders, including co-occurring mental health disorders and other co-occurring substance use disorders;

(7) There is a need for education of medical professionals, including training on proper prescription practices and best practices for tapering patients off of prescribed opioids for medical use;

(8) Incarcerated individuals in the Nebraska correctional system and other vulnerable populations with opioid use disorder need access to resources that will help address addiction; and

(9) The health and safety of all Nebraskans will be improved by the abatement of opioid addiction in the State of Nebraska.

Sec. 4. Any funds appropriated or distributed under the Opioid Prevention and Treatment Act shall not be considered ongoing entitlements or an obligation on the part of the State of Nebraska. Any funds appropriated or distributed under the act shall be spent in accordance with the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought by the Attorney General pursuant to the Consumer Protection Act or the Uniform Deceptive Trade Practices Act.

Sec. 5. The Department of Health and Human Services shall report annually on or before December 15 to the Legislature, the Governor, and the Attorney General regarding the use of funds appropriated under the Opioid Prevention and Treatment Act and the outcomes achieved from such use. The reports submitted to the Legislature shall be submitted electronically.

Sec. 6. (1) The Nebraska Opioid Recovery Fund is created. The fund shall include all recoveries received on behalf of the state by the Department of Justice pursuant to the Consumer Protection Act or the Uniform Deceptive Trade Practices Act related to the advertising of opioids. The fund shall include any money, payments, or other things of value in the nature of civil damages or other payment, except criminal penalties, whether such recovery is by way of verdict, judgment, compromise, or settlement in or out of court, of any case or controversy pursuant to such acts. The Department of Justice shall remit any such revenue to the State Treasurer for credit to the Nebraska Opioid Recovery Fund.

(2) Any funds appropriated, expended, or distributed from the Nebraska Opioid Recovery Fund shall be spent in accordance with the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought by the Attorney General pursuant to the Consumer Protection Act or the Uniform Deceptive Trade Practices Act.

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

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