

(735 ILCS 5/13-226)

Sec. 13-226. Opioid litigation.

(a) Definitions. In this Section:

"National multistate opioid settlement" means any agreement (i) to which the State and at least two other states are parties and (ii) in which the State agrees to release claims that it has brought or could have brought in an action against an opioid defendant or has the claims released in a final order entered by a court. "National multistate opioid settlement" includes (i) any form of resolution reached in a bankruptcy proceeding, provided that the Attorney General both agrees to the specific terms of such resolution or agreement in a bankruptcy proceeding and announces his or her agreement in the record of such bankruptcy proceeding, or (ii) a final order entered by the bankruptcy court.

"Opioid defendant" means (i) a defendant in opioid litigation brought by the Attorney General, or (ii) a person or entity engaged in the manufacturing, marketing, distribution, prescription, dispensing, or other use of opioid medications.

"Opioid litigation" means any civil litigation, demand, or settlement in lieu of litigation, alleging unlawful conduct in the manufacturing, marketing, distribution, prescription, dispensing, or other use of opioid medications.

"Unit of local government" has the meaning provided in Article VII, Section 1 of the Illinois Constitution of 1970.

(b) Release of claims.

(1) On and after the effective date of this amendatory Act of the 102nd General Assembly, no unit of local government or school district may file or become a party to opioid litigation against an opioid defendant that is subject to a national multistate opioid settlement unless approved by the Attorney General.

(2) If counties representing 60% of the population of the State, including all counties with a population of at least 250,000, have agreed to an intrastate allocation agreement with the Attorney General, then the Attorney General has the authority to appear or intervene in any opioid litigation, and release with prejudice any claims brought by a unit of local government or school district against an opioid defendant that are subject to a national multistate opioid settlement and are pending on the effective date of this amendatory Act of the 102nd General Assembly.

(c) Nothing in this Section affects the Attorney General's authority to appear, intervene, or control litigation brought in the name of the State of Illinois or on behalf of the People of the State of Illinois.

(d) When an intrastate allocation agreement between counties representing 60% of the population of the State, including all counties with a population of at least 250,000, and the Attorney General is reached, becoming a party to or filing opioid litigation against an opioid defendant that is subject to a national multistate opioid settlement are exclusive powers and functions of the State and a home rule unit may not file or become a party to opioid litigation against an opioid defendant that is subject to a national multistate opioid settlement unless approved by the Attorney General. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 102-85, eff. 7-9-21.)