



2022 South Dakota Legislature  
**House Bill 1038**  
**ENROLLED**

AN ACT

**ENTITLED An Act to establish an opioid abatement and remediation fund and to declare an emergency.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

**Section 1. That chapter 34-20B be amended with a NEW SECTION:**

The opioid abatement and remediation fund is established in the state treasury. Money received from the following sources may be deposited into the fund:

- (1) Money received by the state pursuant to settlements or judgments relating to opioids;
- (2) Any gifts, bequests, or donations; and
- (3) Interest earned on money in the fund established under this section shall be credited to the fund.

All money in the opioid abatement and remediation fund may only be used for purposes relating to opioid abuse treatment, prevention, and recovery programs and must be appropriated through the normal budget process. Expenditures of the state from the fund must be assigned to the Department of Social Services.

**Section 2.** Money received from the National Settlement Agreement involving Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson, and a Bankruptcy Resolution concerning Purdue Pharma, L.P. entered into by the State and the Participating Local Governments, must be divided with 70% allocated to the State and 30% allocated directly to participating local government subdivisions in proportions based on the opioid negotiation class model to be used only for purposes relating to opioid abuse treatment, prevention, and recovery programs.

**Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to establish an opioid abatement and remediation fund and to declare an emergency.

I certify that the attached Act originated in the:  
House as Bill No. 1038

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2022 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2022 at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1038  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State