

## **CHAPTER 50-36 OPIOID SETTLEMENT**

### **50-36-01. Definitions.**

As used in this chapter:

1. "Committee" means the opioid settlement advisory committee.
2. "Department" means the department of health and human services.
3. "Fund" means the opioid settlement fund.
4. "Opioid litigation" means statewide opioid settlement agreements, judgments, or other recoveries in connection with a defendant's actual or alleged liability for contributing to the opioid crisis in this state which must be used for purposes of remediating or abating the opioid crisis in this state.

### **50-36-02. Opioid settlement fund.**

There is created in the state treasury an opioid settlement fund. Moneys recovered by the state as a result of opioid litigation must be deposited in the fund. Moneys recovered by a political subdivision as a result of opioid litigation may be deposited in the fund. The state investment board shall invest moneys in the fund and income earned on the moneys in the fund must be credited to the fund. Moneys in the fund may be used in compliance with any court-ordered restrictions and as authorized by legislative appropriation and this chapter; however, legislative appropriations from the fund may not exceed eight million dollars in a biennium. The fund does not include funds not retained by the state pursuant to law or court order.

### **50-36-03. Opioid settlement advisory committee.**

1. The committee is composed of:
  - a. One member of the North Dakota association of counties appointed by the chairman of the legislative management, who shall serve a term of two years.
  - b. One member of the North Dakota league of cities appointed by the chairman of the legislative management, who shall serve a term of two years.
  - c. One member of the North Dakota state association of city and county health officials appointed by the chairman of the legislative management, who shall serve a term of two years.
  - d. One member who represents the highway patrol appointed by the highway patrol superintendent, who shall serve a term of two years.
  - e. The executive director of the department's division of behavioral health.
  - f. The managing director of the office of recovery reinvented.
  - g. One member appointed by the governor who shall serve as a nonvoting member and as the presiding officer of the committee, who shall serve a term of two years.
2. The committee shall forward recommendations to the department on spending decisions of the legislatively appropriated funds for remediation or abatement of the opioid crisis in this state.
  - a. The committee shall develop a process for receiving spending recommendation input from political subdivisions and the public.
  - b. The committee shall develop a process for making recommendations to the department under this subsection.
  - c. The committee shall consider cultural practices and alternative best practice treatment methods when considering and making recommendations to the department under this subsection.

### **50-36-04. Department of health and human services - Report to budget section.**

1. The department shall develop a process for receiving and evaluating spending recommendations of the committee.

2. Annually, each political subdivision that recovers and retains moneys as a result of opioid litigation shall submit to the department a report detailing the decisions of the governing body of the political subdivision regarding use of the moneys.
3. Annually, the department shall make a report to the budget section of the legislative management on the status of the fund and of spending decisions made by the department and the political subdivisions under this chapter.

**50-36-05. Opioid remediation and abatement spending decisions - Implementation.**

1. The department's spending decisions of the legislatively appropriated funds from the fund for remediating and abating the opioid crisis must include at least twenty percent for opioid use prevention and overdose prevention, including best practices relating to fentanyl drug overdose, and approved use for workforce development.
2. The department shall implement or assist with the implementation of spending decisions made under this chapter.

**50-36-06. Political subdivisions - Public health units.**

1. A political subdivision that recovers moneys as a result of opioid litigation may deposit the moneys in the fund or may retain the moneys and transfer the moneys to the public health unit that provides services to that political subdivision.
2. A political subdivision that recovers and retains moneys as a result of opioid litigation shall collaborate with a public health unit on the use of the moneys for local programs for remediating and abating the opioid crisis. The use of moneys under this subsection must be in compliance with any court-ordered restrictions. The political subdivision and public health unit shall work together to ensure all reporting requirements are met.
3. All political subdivisions shall provide an allocation plan to the behavioral health division prior to expenditure.