

House File 2427 - Introduced

HOUSE FILE 2427

BY LOHSE, BLOOMINGDALE,
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A BILL FOR

1 An Act relating to the opioid settlement fund, creating the
2 opioid settlement future fund, establishing the opioid
3 epidemic response advisory council, making appropriations,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 12.51, subsections 1 and 2, Code 2024,
2 are amended to read as follows:

3 1. An opioid settlement fund is created in the office
4 of the treasurer of state. The fund shall be separate from
5 the general fund of the state and the balance in the fund
6 shall not be considered part of the balance of the general
7 fund of the state. The On or after the effective date of
8 this Act, one-half of the state portion of any moneys paid to
9 the state as a result of a national settlement of litigation
10 with entities that manufactured, marketed, sold, distributed,
11 dispensed, or promoted opioids, made in connection with
12 claims arising from the manufacturing, marketing, selling,
13 distributing, dispensing, or promoting of opioids, shall be
14 deposited in the fund. **This subsection** does not apply to such
15 moneys paid to the state that are earmarked for or otherwise
16 required to be transferred or distributed to counties, cities,
17 or other local governmental entities.

18 2. Moneys in the fund shall not be transferred, used,
19 obligated, appropriated, or otherwise encumbered except as
20 provided in **this section**. Moneys in the fund shall only be
21 used pursuant to appropriations from the fund by the general
22 assembly for purposes of abating the opioid crisis in this
23 state, which may include but are not limited to the purposes
24 specified in **section 135.190A** for moneys in the opioid
25 antagonist medication fund and the purposes specified in
26 chapter 123B. Moneys in the fund shall not be used for the
27 purposes specified in chapter 123B after the state has received
28 all moneys from the settlement described in subsection 1.

29 **Sec. 2. NEW SECTION. 12.52 Opioid settlement future fund.**

30 1. *a.* An opioid settlement future fund is created in the
31 office of the treasurer of state. The fund shall be separate
32 from the general fund of the state and the balance in the fund
33 shall not be considered part of the balance of the general
34 fund of the state. On or after the effective date of this
35 Act, one-half of the state portion of any moneys paid to

1 the state as a result of a national settlement of litigation
2 with entities that manufactured, marketed, sold, distributed,
3 dispensed, or promoted opioids, made in connection with
4 claims arising from the manufacturing, marketing, selling,
5 distributing, dispensing, or promoting of opioids, shall be
6 deposited in the fund. This subsection does not apply to such
7 moneys paid to the state that are earmarked for or otherwise
8 required to be transferred or distributed to counties, cities,
9 or other local governmental entities.

10 *b.* On the effective date of this Act, the treasurer of state
11 shall transfer half of the moneys in the opioid settlement
12 fund, created pursuant to section 12.51, on the effective date
13 of this Act to the opioid settlement future fund.

14 2. Moneys in the fund shall not be transferred, used,
15 obligated, appropriated, or otherwise encumbered except as
16 provided in this section. Interest and earnings in the fund
17 shall only be used pursuant to appropriations from the fund by
18 the general assembly for purposes of abating the opioid crisis
19 in this state, which may include but are not limited to the
20 purposes specified in chapter 123B.

21 3. Notwithstanding section 8.33, moneys in the fund
22 that remain unencumbered or unobligated at the close of a
23 fiscal year shall not revert. Notwithstanding section 12C.7,
24 subsection 2, interest or earnings on moneys in the fund shall
25 be credited to the fund.

26 **Sec. 3. NEW SECTION. 123B.1 Opioid epidemic response**
27 **advisory council.**

28 1. *a.* The opioid epidemic response advisory council is
29 established to develop and implement a comprehensive and
30 effective statewide effort to address the opioid addiction and
31 overdose epidemic in Iowa. The council shall consist of the
32 following members, appointed by the director of the department
33 of health and human services, except as otherwise provided:

34 (1) Two members of the house of representatives, one
35 appointed by the speaker of the house and one appointed by the

1 minority leader of the house, who shall serve as ex officio,
2 nonvoting members.

3 (2) Two members of the senate, one appointed by the
4 president of the senate and one appointed by the minority
5 leader of the senate, who shall serve as ex officio, nonvoting
6 members.

7 (3) One member appointed by the board of pharmacy.

8 (4) One member who is a physician and surgeon or
9 osteopathic physician and surgeon appointed by the Iowa medical
10 association.

11 (5) One member who represents an opioid treatment program,
12 sober living program, or substance use disorder program.

13 (6) One member appointed by the Iowa association of
14 addiction professionals who is a psychiatrist specializing in
15 the treatment of addiction.

16 (7) One member appointed by the commissioner of the
17 department of public safety.

18 (8) One member who represents nonprofit organizations
19 conducting initiatives to address the opioid epidemic.

20 (9) One member appointed by the Iowa emergency medical
21 services association who is serving with an ambulance service
22 as an emergency medical care provider.

23 (10) One member who represents the Iowa courts who is a
24 judge.

25 (11) One member who is a resident of this state and who is
26 in opioid addiction recovery.

27 (12) One member appointed by the director of the office of
28 drug control policy.

29 (13) One member who is a mental health advocate.

30 (14) One member who represents the Iowa hospital
31 association.

32 (15) One member who represents a local health department.

33 (16) The directors of the departments of health and human
34 services, corrections, and management, the attorney general,
35 and the state public defender, or their designees, who shall

1 serve as ex officio, nonvoting members.

2 *b.* The director of the department of health and human
3 services shall coordinate the director's appointments to
4 provide, to the extent practicable, geographic, racial, and
5 gender diversity.

6 *c.* The council shall annually elect a chair.

7 *d.* The chair shall convene the council at least quarterly,
8 and the chair may convene the council at other times as
9 necessary. The chair shall convene meetings at different
10 locations in the state to provide geographic access and may
11 conduct all meetings, other than one meeting per year, remotely
12 by electronic means.

13 *e.* The department of health and human services shall provide
14 staffing and administrative support to the council.

15 *f.* The director of the department of health and human
16 services shall convene the first meeting of the council no
17 later than August 1, 2024.

18 *g.* An advisory council member shall disclose to the council,
19 refrain from participating in discussions, and abstain from
20 voting on any matter before the council if the member has a
21 conflict of interest. For the purposes of this paragraph, a
22 conflict of interest is a financial association that has the
23 potential to bias or have the appearance of biasing a council
24 member's decision related to council activities under this
25 chapter.

26 2. The council shall focus on all of the following:

27 *a.* Primary prevention, secondary prevention, early
28 intervention, and education, including public education and
29 awareness for adults and youth, prescriber education, the
30 development and sustainability of opioid overdose prevention
31 and education programs, and the role of adult protective
32 services in prevention and response.

33 *b.* Training on the treatment of opioid addiction, including
34 the use of all approved opioid addiction medications,
35 detoxification, relapse prevention, patient assessment,

1 individual treatment planning, counseling, recovery supports,
2 diversion control, and other best practices.

3 *c.* The expansion and enhancement of a continuum of care
4 for opioid-related substance use disorders, including primary
5 prevention, early intervention, treatment, recovery, and
6 aftercare services.

7 *d.* Supporting efforts to prevent or reduce deaths from
8 opioid overdoses or other opioid-related harms, including
9 through increasing the availability or distribution of naloxone
10 or other opioid antagonists for use by a family member, friend,
11 caregiver, health care provider, employee of a substance abuse
12 treatment facility, school employee, or other person who may be
13 in a place to render aid to a person at risk of experiencing an
14 opioid-related overdose.

15 3. The council shall do all of the following:

16 *a.* Review local, state, and federal initiatives and
17 activities related to education, prevention, treatment, and
18 services for individuals and families experiencing and affected
19 by opioid use disorder.

20 *b.* Establish priorities to address the state's opioid
21 epidemic for the purposes of recommending initiatives to fund.

22 *c.* Recommend to the legislative council specific projects
23 and initiatives to be funded.

24 (1) Until such time as all opioid settlement moneys have
25 been received by the state, the council shall recommend grants
26 to be appropriated from the opioid settlement fund created
27 in section 12.51. The council shall not recommend grants in
28 excess of the balance of the opioid settlement fund.

29 (2) After all settlement moneys have been received by the
30 state, the council shall recommend grants to be appropriated
31 from the opioid settlement future fund created in section
32 12.52. The council shall not recommend grants in excess of the
33 interest held in the opioid settlement future fund.

34 *d.* Ensure that available funding is allocated to align with
35 other local, state, and federal funding to achieve the greatest

1 impact and ensure a coordinated state effort.

2 e. Consult with the directors of the departments of health
3 and human services and management to develop measurable
4 outcomes to determine the effectiveness of funds allocated.

5 f. Develop recommendations for an administrative and
6 organizational framework for the allocation, on a sustainable
7 and ongoing basis, of moneys deposited in the opioid settlement
8 fund created pursuant to section 12.51 and the opioid
9 settlement future fund created pursuant to section 12.52 in
10 order to address the opioid abuse and overdose epidemic in Iowa
11 and the areas of focus specified in subsection 2.

12 4. The council, in consultation with the director of the
13 department of health and human services, shall select from the
14 projects awarded grants pursuant to section 123B.2, projects
15 that include promising practices or theory-based activities
16 for which the director of the department of health and human
17 services shall conduct additional research and experimental
18 evaluation. A project selected pursuant to this subsection
19 must be administered to support the research and experimental
20 evaluation, and the grantee must collect and report information
21 that is needed to complete the research and experimental
22 evaluation.

23 5. The council, in consultation with the directors of the
24 departments of health and human services and public safety,
25 shall establish goals related to addressing the opioid epidemic
26 and determine a baseline against which progress shall be
27 monitored and set measurable outcomes, including benchmarks.
28 The goals established must include goals for prevention and
29 public health, access to treatment, and multigenerational
30 impacts. The council shall use existing measures and data
31 collection systems to determine baseline data against which
32 progress shall be measured. The council shall include
33 the proposed goals, the measurable outcomes, and proposed
34 benchmarks in the council's initial report to the general
35 assembly pursuant to section 123B.3, subsection 1.

1 Sec. 4. NEW SECTION. **123B.2 Opioid epidemic response**
2 **grants.**

3 1. The legislative council shall award grants from the
4 opioid settlement fund created pursuant to section 12.51 to
5 proposals selected by the advisory council that address the
6 priorities identified in section 123B.1, subsection 2. No more
7 than three percent of each grant awarded shall be used by a
8 grantee for administration.

9 2. The chairperson of the opioid epidemic response advisory
10 council shall submit a report of the grants proposed to be
11 awarded for the upcoming fiscal year by the advisory council
12 to the general assembly by December 1, 2024, and annually by
13 December 1 thereafter.

14 Sec. 5. NEW SECTION. **123B.3 Opioid epidemic response**
15 **advisory council — reports.**

16 1. The opioid epidemic response advisory council shall
17 annually submit a report to the general assembly by January
18 31, regarding individual projects that received grants and the
19 overall role of the project in addressing the opioid addiction
20 and overdose epidemic in Iowa. The report shall describe the
21 grantees and the activities implemented, along with measurable
22 outcomes as determined by the council in consultation with the
23 director of the department of health and human services. At a
24 minimum, the report shall include information about the number
25 of individuals who received information or treatment, the
26 outcomes individuals achieved and demographic information about
27 the individuals participating in the project; an assessment of
28 the progress toward achieving statewide access to qualified
29 providers and comprehensive treatment and recovery services;
30 and an update on the evaluations implemented by the director of
31 the department of health and human services for the promising
32 practices and theory-based projects that receive funding.

33 2. The director of the department of health and human
34 services, in consultation with the opioid epidemic response
35 advisory council, shall report to the general assembly when

1 an evaluation described in section 123B.1, subsection 4, is
2 complete. The report shall include demographic information;
3 outcome information for the individuals in the program; the
4 results of the program in promoting recovery, employment, and
5 family reunification; reducing involvement in the criminal
6 justice system; and other relevant outcomes. The report shall
7 include information about the ability of grant programs to be
8 scaled to achieve statewide results.

9 3. The opioid epidemic response advisory council, in
10 its annual report due by January 31, 2030, shall include
11 recommendations on whether appropriations and grants pursuant
12 to this chapter should be continued, adjusted, or discontinued,
13 whether funding should be appropriated for other purposes
14 related to opioid abuse prevention, and on the appropriate
15 level of funding for existing and new uses.

16 Sec. 6. NEW SECTION. **123B.4 Standing appropriation.**

17 There is appropriated annually from the opioid settlement
18 fund created pursuant to section 12.51 to the department of
19 health and human services two hundred forty-nine thousand
20 dollars for the provision of administrative services to
21 the opioid epidemic response advisory council and for the
22 administration of grants awarded pursuant to section 123B.2.

23 Sec. 7. **OPIOID OVERDOSE PREVENTION — APPROPRIATION.** There
24 is appropriated from the opioid settlement fund created in
25 section 12.51 to the department of health and human services
26 for the fiscal year beginning July 1, 2023, and ending June 30,
27 2024, the following amount, or so much thereof as is necessary,
28 to be used for the purposes designated, except that if this
29 Act is enacted on or before June 30, 2024, the moneys are
30 appropriated for the fiscal year beginning July 1, 2024, and
31 ending June 30, 2025:

32 1. For providing funding for the extension and expansion
33 of an opioid addiction prevention surgery support services
34 agreement entered into by the Iowa attorney general's office
35 that became effective October 1, 2022, to provide surgery care

1 management services for ten thousand patients to facilitate
2 the reduction of post-surgery opioid use and to optimize
3 therapeutic, humanistic, and economic results from surgery and
4 surgical recovery:

5 \$ 6,834,680

6 2. For providing funding to the public safety survivor
7 benefits fund created pursuant to section 80.47:

8 \$ 150,000

9 3. For establishment of a youth substance use treatment
10 and recovery campus located in a central Iowa county with
11 a population between ninety-eight thousand and ninety-nine
12 thousand based on the 2020 federal decennial census:

13 \$ 3,000,000

14 Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate
15 importance, takes effect upon enactment.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the opioid settlement fund, creates
20 the opioid settlement future fund, and establishes the opioid
21 epidemic response advisory council (advisory council).

22 On or after the effective date of the bill, half of the state
23 portion of moneys received as a result of the national opioid
24 settlements is to be paid into the existing opioid settlement
25 fund, and the other half to be paid into the opioid settlement
26 future fund created in the bill. The bill also requires the
27 treasurer of state to transfer half of the moneys currently
28 held in the opioid settlement fund to the opioid settlement
29 future fund on the effective date of the bill. Interest and
30 earnings on moneys in the opioid settlement future fund shall
31 be credited to the fund, and moneys in the fund that remain
32 unencumbered or unobligated at the close of a fiscal year
33 shall not revert. Interest and earnings in the fund shall be
34 appropriated only for purposes of abating the opioid crisis in
35 this state, including for the funding of grants described in

1 the bill.

2 The bill instructs the advisory council to focus on matters
3 relating to opioid addiction and overdoses, governmental
4 responses to opioid addiction and overdoses, and providing
5 metrics by which such responses can be measured. The bill
6 provides specific membership requirements for the advisory
7 council and requires the department of health and human
8 services (department) to provide staffing and administrative
9 support to the advisory council.

10 The bill requires the advisory council to identify projects
11 related to opioid addiction and overdoses that should be
12 awarded grants from the opioid settlement fund and opioid
13 settlement future fund. The legislative council shall then
14 award grants to the projects that address the priorities
15 identified in the bill. From among those projects awarded
16 grants, the bill requires the advisory council to identify
17 projects that include promising practices or theory-based
18 activities for which the director of the department shall
19 conduct additional research and experimental evaluation.

20 The bill requires the chairperson of the advisory council
21 to annually report to the general assembly regarding grants
22 proposed by the advisory council and the advisory council and
23 the director of the department of management to annually report
24 to the general assembly regarding the efficacy of individual
25 projects and the progress made with respect to the benchmarks
26 established by the advisory council. The annual report due
27 to be submitted by the advisory council by January 31, 2030,
28 shall include the advisory council's recommendations regarding
29 the continuation of grants and appropriations from the opioid
30 settlement fund.

31 The bill appropriates \$249,000 to the department annually
32 from the opioid settlement fund for the provision of
33 administrative services to the advisory council and for the
34 administration of awarded grants. The bill also appropriates
35 \$6,834,680 to the department for the extension and expansion

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1 of an opioid addiction prevention surgery support services
2 agreement entered into by the Iowa attorney general's
3 office, effective as of October 1, 2022, to provide surgery
4 care management services for 10,000 patients to facilitate
5 the reduction of post-surgery opioid use and to optimize
6 therapeutic, humanistic, and economic results from surgery and
7 surgical recovery, \$150,000 to the department for providing
8 funding to the first responder fund, and \$3 million for the
9 establishment of a youth substance use treatment and recovery
10 campus in a central Iowa county with a population between
11 98,000 and 99,000 based on the 2020 federal decennial census.
12 The bill takes effect upon enactment.