

First Responders, Naloxone Fund Bill House File 2573

Last Action:

Final Action

May 24, 2022

An Act creating funds relating to the abatement of and response to opioid use, allowing school districts to obtain opioid antagonist prescriptions, and making an appropriation.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

Available online at www.legis.iowa.gov/publications/information/appropriationBillAnalysis

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FUNDING SUMMARY

Appropriates \$3.8 million from the Opioid Settlement Fund to the Department of Justice for a medication addiction treatment program administered by the University of Iowa Hospitals and Clinics. Page 4, Line 18

NEW PROGRAMS, SERVICES, OR ACTIVITIES

Creates the Opioid Settlement Fund. Page 2, Line 1

Creates the Opioid Antagonist Medication Fund. Page 3, Line 7

STUDIES AND INTENT

Required Reports

Requires the Department of Public Health to submit an annual report by December 31 to the chairpersons and ranking members of the Justice System Appropriations Subcommittee and to the Legislative Services Agency (LSA) regarding the Opioid Antagonist Medication Fund. Page 3, Line 35

SIGNIFICANT CODE CHANGES

Allows a school employee to possess and administer an opioid antagonist. Page 2, Line 29

Allows a school district to obtain and maintain opioid antagonist medication. Page 3, Line 1

2 1 Section 1. NEW SECTION 12.51 OPIOID SETTLEMENT FUND.

2 2 1. An opioid settlement fund is created in the office of
 2 3 the treasurer of state. The fund shall be separate from the
 2 4 general fund of the state and the balance in the fund shall not
 2 5 be considered part of the balance of the general fund of the
 2 6 state. The state portion of any moneys paid to the state as
 2 7 a result of a national settlement of litigation with entities
 2 8 that manufactured, marketed, sold, distributed, dispensed,
 2 9 or promoted opioids, made in connection with claims arising
 2 10 from the manufacturing, marketing, selling, distributing,
 2 11 dispensing, or promoting of opioids, shall be deposited in the
 2 12 fund. This subsection does not apply to such moneys paid to
 2 13 the state that are earmarked for or otherwise required to be
 2 14 transferred or distributed to counties, cities, or other local
 2 15 governmental entities.

2 16 2. Moneys in the fund shall not be transferred, used,
 2 17 obligated, appropriated, or otherwise encumbered except as
 2 18 provided in this section. Moneys in the fund shall only be
 2 19 used pursuant to appropriations from the fund by the general
 2 20 assembly for purposes of abating the opioid crisis in this
 2 21 state, which may include but are not limited to the purposes
 2 22 specified in section 135.190A for moneys in the opioid
 2 23 antagonist medication fund.

2 24 3. Notwithstanding section 8.33, moneys in the fund
 2 25 that remain unencumbered or unobligated at the close of a
 2 26 fiscal year shall not revert. Notwithstanding section 12C.7,
 2 27 subsection 2, interest or earnings on moneys in the fund shall
 2 28 be credited to the fund.

2 29 Sec. 2. Section 135.190, subsection 1, paragraph d, Code
 2 30 2022, is amended to read as follows:

2 31 d. "Person in a position to assist" means a family member,
 2 32 friend, caregiver, health care provider, employee of a
 2 33 substance abuse treatment facility, school employee, or other
 2 34 person who may be in a place to render aid to a person at risk
 2 35 of experiencing an opioid-related overdose.

3 1 Sec. 3. Section 135.190, Code 2022, is amended by adding the
 3 2 following new subsection:

3 3 NEW SUBSECTION 4A. A school district may obtain a valid

CODE: Creates the Opioid Settlement Fund and provides that all moneys paid to the State as a result of a national settlement of litigation with entities concerning claims related to the manufacturing, marketing, selling, distribution, dispensing, or promoting of opioids will be credited to the Fund. Moneys in the Fund may only be appropriated by the General Assembly for the purpose of abating the opioid crisis in the State. Moneys remaining in the Fund will not revert to the General Fund and any interest earned will be credited to the Fund.

CODE: Allows a school employee to possess and administer an opioid antagonist to an individual if the school employee reasonably and in good faith believes that the individual is experiencing an opioid-related overdose. Also provides that a school employee acting reasonably and in good faith will be immune from liability for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist.

CODE: Allows a school district to obtain and maintain opioid antagonist medication.

3 4 prescription for an opioid antagonist and maintain a supply of
 3 5 opioid antagonists in a secure location at each location where
 3 6 a student may be present for use as provided in this section.

3 7 Sec. 4.NEW SECTION 135.190A OPIOID ANTAGONIST MEDICATION
 3 8 FUND.

3 9 1. An opioid antagonist medication fund for first
 3 10 responders is created within the state treasury under the
 3 11 control of the department. The fund shall consist of moneys
 3 12 appropriated to or deposited into the fund.

3 13 2. Moneys in the fund are appropriated to the department for
 3 14 the purchase, maintenance, and replacement of opioid antagonist
 3 15 medication administered by first responders to persons
 3 16 experiencing an opioid-related overdose. The department is
 3 17 authorized to designate moneys in the fund for the purchase,
 3 18 maintenance, and replacement of opioid antagonist medication
 3 19 used by the department or other entities under this section.

3 20 3. First responders may contact the department for the
 3 21 procurement of opioid antagonist medication. The department
 3 22 shall keep a record of the distribution of moneys from the
 3 23 fund.

3 24 4. The fund may consist of available federal or state moneys
 3 25 available, as well as any available opioid lawsuit settlement
 3 26 moneys. Funds may be transferred between other state agencies
 3 27 and the fund as appropriate.

3 28 5. Notwithstanding section 8.33, moneys in the fund
 3 29 that remain unencumbered or unobligated at the close of
 3 30 a fiscal year shall not revert but shall remain available
 3 31 for expenditure for the purposes designated unless federal
 3 32 regulations otherwise require. Notwithstanding section 12C.7,
 3 33 subsection 2, interest or earnings on moneys in the fund shall
 3 34 be credited to the fund.

3 35 6. The department shall submit a report to the
 4 1 co-chairpersons and ranking members of the joint appropriations
 4 2 subcommittee on the justice system and to the legislative
 4 3 services agency on or before December 31 of each year which
 4 4 shall contain a list of deposits and expenditures from the fund
 4 5 for the prior fiscal year and the amount of carryover funds, if
 4 6 any, to be distributed in the next fiscal year.

4 7 7. For purposes of this section:

4 8 a. "First responder" means an emergency medical care

CODE: Creates the Opioid Antagonist Medication Fund under the control of the Department of Public Health. Specifies that the Fund consists of moneys appropriated to, or deposited in, the Fund. Moneys in the Fund may be used for the purchase, maintenance, and replacement of opioid antagonist medication used by first responders. Permits first responders to contact the Department of Public Health to procure opioid antagonist medication. Moneys remaining in the Fund will not revert to the General Fund and any interest earned will be credited to the Fund.

Requires the Department of Public Health to submit an annual report by December 31 to the chairpersons and ranking members of the Justice System Appropriations Subcommittee and to the Legislative Services Agency (LSA) regarding the Opioid Antagonist Medication Fund.

4 9 provider, a registered nurse staffing an authorized service
 4 10 program under section 147A.12, a physician assistant staffing
 4 11 an authorized service program under section 147A.13, a fire
 4 12 fighter, or a peace officer as defined in section 801.4 who is
 4 13 trained and authorized to administer an opioid antagonist.
 4 14 b. "Opioid antagonist" means the same as defined in section
 4 15 147A.1.
 4 16 c. "Opioid-related overdose" means the same as defined in
 4 17 section 147A.1.

4 18 Sec. 5. APPROPRIATION — OPIOID SETTLEMENT FUND. There
 4 19 is appropriated from the opioid settlement fund created in
 4 20 section 12.51 to the department of justice for the fiscal year
 4 21 beginning July 1, 2022, and ending June 30, 2023, the following
 4 22 amount, or so much thereof as is necessary, to be used for
 4 23 a medication addiction treatment program administered by the
 4 24 university of Iowa hospitals and clinics:
 4 25 \$ 3,800,000
 4 26 Notwithstanding section 8.33, moneys appropriated in this
 4 27 section that remain unencumbered or unobligated at the close of
 4 28 the fiscal year shall not revert but shall remain available for
 4 29 expenditure for the purposes designated until the close of the
 4 30 succeeding fiscal year.

Appropriates \$3,800,000 from the Opioid Settlement Fund to the Department of Justice for a medication addiction treatment program administered by the University of Iowa Hospitals and Clinics. Specifies that unencumbered or unobligated funds at the close of the fiscal year will not revert but will remain available for expenditure through the close of FY 2024.

Justice System

Other Funds

| | Final Action FY 2023 (1) | Page and Line # (2) |
|---|--------------------------------|---------------------------|
| <u>Attorney General</u> | | |
| Justice, Dept. of | | |
| Opioid Treatment — Opioid Settlement Fund | \$ 3,800,000 | PG 4 LN 18 |
| Total Attorney General | \$ 3,800,000 | |
| Total Justice System | \$ 3,800,000 | |