

CHAPTER 1121

ABATEMENT AND RESPONSE TO OPIOID USE — FUNDS — PRESCRIPTIONS FOR AND POSSESSION AND USE OF OPIOID ANTAGONISTS BY SCHOOLS

H.F. 2573

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.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 12.51 Opioid settlement fund.**

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

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

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

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

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

Sec. 3. **Section 135.190**, Code 2022, is amended by adding the following new subsection: **NEW SUBSECTION. 4A.** A school district may obtain a valid prescription for an opioid antagonist and maintain a supply of opioid antagonists in a secure location at each location where a student may be present for use as provided in **this section**.

Sec. 4. **NEW SECTION. 135.190A Opioid antagonist medication fund.**

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

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

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

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

5. Notwithstanding **section 8.33**, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for

expenditure for the purposes designated unless federal regulations otherwise require. Notwithstanding [section 12C.7, subsection 2](#), interest or earnings on moneys in the fund shall be credited to the fund.

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

7. For purposes of [this section](#):

a. “*First responder*” means an emergency medical care provider, a registered nurse staffing an authorized service program under [section 147A.12](#), a physician assistant staffing an authorized service program under [section 147A.13](#), a fire fighter, or a peace officer as defined in [section 801.4](#) who is trained and authorized to administer an opioid antagonist.

b. “*Opioid antagonist*” means the same as defined in [section 147A.1](#).

c. “*Opioid-related overdose*” means the same as defined in [section 147A.1](#).

Sec. 5. APPROPRIATION — OPIOID SETTLEMENT FUND. There is appropriated from the opioid settlement fund created in [section 12.51](#) to the department of justice for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for a medication addiction treatment program administered by the university of Iowa hospitals and clinics:

..... \$ 3,800,000

Notwithstanding [section 8.33](#), moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Approved June 13, 2022