

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1124

Introduced by Howard, 9; Lindstrom, 18.

Read first time January 22, 2020

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to adopt the
- 2 Opioid Prevention and Treatment Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and may be
2 cited as the Opioid Prevention and Treatment Act.

3 Sec. 2. The purpose of the Opioid Prevention and Treatment Act is
4 to provide for the use of dedicated revenue for opioid-disorder-related
5 treatment and prevention.

6 Sec. 3. The Legislature finds that:

7 (1) There is an opioid epidemic occurring in the United States, and
8 Nebraska has been impacted;

9 (2) Many states are recovering funds for the management of opioid
10 addiction within their borders;

11 (3) Coordination surrounding and managing opioid addiction and
12 related disorders is critical to the health and safety of all Nebraskans;

13 (4) Funding for prevention and treatment of opioid addiction and
14 related disorders, including those that are co-occurring with other
15 mental health and substance use disorders is needed in Nebraska;

16 (5) Law enforcement agencies in the State of Nebraska are dealing
17 with the effects of the opioid epidemic daily and are in need of
18 resources for training, education, and interdiction;

19 (6) There is a need to enhance the network of professionals who
20 provide treatment for opioid addiction and related disorders, including
21 co-occurring mental health disorders and other co-occurring substance use
22 disorders;

23 (7) There is a need for education of medical professionals,
24 including training on proper prescription practices and best practices
25 for tapering patients off of prescribed opioids for medical use;

26 (8) Incarcerated individuals in the Nebraska correctional system and
27 other vulnerable populations with opioid use disorder need access to
28 resources that will help address addiction; and

29 (9) The health and safety of all Nebraskans will be improved by the
30 abatement of opioid addiction in the State of Nebraska.

31 Sec. 4. Any funds appropriated or distributed under the Opioid

1 Prevention and Treatment Act shall not be considered ongoing entitlements
2 or an obligation on the part of the State of Nebraska. Any funds
3 appropriated or distributed under the act shall be spent in accordance
4 with the terms of any verdict, judgment, compromise, or settlement in or
5 out of court, of any case or controversy brought by the Attorney General
6 pursuant to the Consumer Protection Act or the Uniform Deceptive Trade
7 Practices Act.

8 Sec. 5. The Department of Health and Human Services shall report
9 annually on or before December 15 to the Legislature, the Governor, and
10 the Attorney General regarding the use of funds appropriated under the
11 Opioid Prevention and Treatment Act and the outcomes achieved from such
12 use. The reports submitted to the Legislature shall be submitted
13 electronically.

14 Sec. 6. The Nebraska Opioid Recovery Fund is created. The fund
15 shall include all recoveries received on behalf of the state by the
16 Department of Justice pursuant to the Consumer Protection Act or the
17 Uniform Deceptive Trade Practices Act related to the advertising of
18 opioids. The fund shall include any money, payments, or other things of
19 value in the nature of civil damages or other payment, except criminal
20 penalties, whether such recovery is by way of verdict, judgment,
21 compromise, or settlement in or out of court, of any case or controversy
22 pursuant to such acts. The fund shall exclude funds held in a trust
23 capacity where specific benefits accrue to specific individuals,
24 organizations, political subdivisions, or governments. Any such revenue
25 received by the Department of Justice shall be remitted to the State
26 Treasurer for credit to the fund. Any money in the Nebraska Opioid
27 Settlement Trust Fund available for investment shall be invested by the
28 state investment officer pursuant to the Nebraska Capital Expansion Act
29 and the Nebraska State Funds Investment Act.