

ASSEMBLY, No. 1488

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywomen Murphy, Timberlake, Dunn, Jasey, Swain, Reynolds-Jackson, Assemblyman Tully and Assemblywoman Swift

SYNOPSIS

Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/7/2022)

1 **AN ACT** concerning the dedication and distribution of funds
2 received from opioid settlements and supplementing Title 26 of
3 the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. There is created in the Department of the Treasury a
9 dedicated, non-lapsing fund to be known as the “Opioid Recovery
10 and Remediation Fund.”

11 b. The State Treasurer shall deposit into the fund any moneys
12 that are allocated to or otherwise received by the State as a result of
13 a settlement agreement entered into with, or litigation undertaken
14 against, opioid manufacturers and distributors related to claims
15 arising from the manufacture, marketing, distribution or dispensing
16 of opioids. Any interest and other income earned on moneys in the
17 fund, and any other moneys that may be appropriated or otherwise
18 become available for purposes of the fund, shall be credited to and
19 deposited in the fund.

20 c. (1) Moneys in the fund shall be dedicated and used only for
21 the purposes of supplementing substance use disorder prevention
22 and treatment programs and services in the State, consistent with
23 the terms of settlements made in connection with claims arising
24 from the manufacture, marketing, distribution or dispensing of
25 opioids, as applicable.

26 (2) The Legislature shall annually appropriate moneys from the
27 fund to the Department of Human Services, which shall allocate the
28 appropriated funds in consultation with the Opioid Recovery and
29 Remediation Fund Advisory Council, as established pursuant to
30 section 2 of this act. The department shall allocate funds with an
31 emphasis on supporting programs that are culturally and gender
32 competent, trauma-informed, evidence-based and, where
33 appropriate, employ individuals with lived experience as part of the
34 services provided. Services to be supported from the fund shall
35 include, but shall not be limited to, programs:

36 (a) To prevent substance use disorder through a youth-focused
37 public health education and prevention campaign, including school-
38 based prevention, early intervention, and health care services and
39 programs to reduce the risk of substance use by school-aged
40 children;

41 (b) To develop and implement Statewide public education
42 campaigns to reduce stigma against individuals who use drugs,
43 provide information about the risks of substance use, best practices
44 for addressing substance use disorders, and information on how to
45 locate services that reduce the adverse health consequences
46 associated with drug use or provide treatment for substance use
47 disorders;

1 (c) To minimize and eliminate the root causes of health
2 disparities that contribute to the use of drugs and inequities in the
3 treatment of substance use disorder among minority communities;

4 (d) To support the State's efforts to divert high-risk individuals
5 from arrest and incarceration through programs with strong case
6 management and harm reduction services that link participants to
7 community-based services, as well as referrals to promote health and
8 understanding for people who use drugs; and

9 (e) To establish systems and tools that expand the State's
10 capacity to collect data and evaluate policies, programs, and
11 strategies designed to address substance use disorder.

12

13 2. a. There is established in, but not of, the Department of
14 Human Services the Opioid Recovery and Remediation Fund
15 Advisory Council. The council shall provide the Department of
16 Human Services with recommendations on the allocation of funds
17 appropriated to the department from the Opioid Recovery and
18 Remediation Fund, as well as any policy modifications necessary to
19 maximize the use of those funds on a State and local level. To
20 effectuate this goal, the council shall:

21 (1) gather and evaluate State data regarding substance use
22 disorder prevention and treatment programs and services in order to
23 determine which populations are not reached by current
24 interventions, as well as which geographic areas of the State have
25 programmatic gaps in addressing substance use disorder; and

26 (2) solicit feedback, in a manner and method established by the
27 council, from stakeholders, local providers, and advocates regarding
28 the service needs to prevent and treat substance use disorder across
29 the State.

30 b. The council shall consist of 13 members, as follows:

31 (1) the Commissioner of Human Services, the Commissioner of
32 Health, and the Attorney General, or their designees, who shall
33 serve as ex-officio members;

34 (2) four public members appointed by the Governor, of which
35 one shall possess expertise in substance use disorder treatment, one
36 shall possess expertise in harm reduction, one shall possess
37 expertise in criminal justice, and one shall possess expertise in drug
38 policy;

39 (3) three public members to be appointed by the President of the
40 Senate, of which one shall possess expertise in substance use
41 disorder treatment, one shall possess expertise in behavioral health,
42 and one shall possess personal experience with substance use and
43 addiction issues; and

44 (4) three public members appointed by the Speaker of the
45 Assembly, of which one shall possess expertise in substance use
46 disorder treatment, one shall possess expertise in behavioral health,
47 and one shall possess personal experience with substance use and
48 addiction issues.

1 c. All appointments to the council shall be made no later than
2 the 60th day after the effective date of this act. Each appointed
3 member shall serve a two-year term, with any vacancies in the
4 membership of the council being filled in the same manner as the
5 original appointments.

6 d. The council shall organize as soon as practicable following
7 the appointment of its members. Upon its organization, the council
8 shall select a chairperson from among its members. The members
9 shall also select a secretary who need not be a member of the council.
10 The council may hold meetings at the times and places it may
11 designate. A majority of the authorized membership shall
12 constitute a quorum. The council may conduct business without a
13 quorum, but shall only vote on a recommendation when a quorum is
14 present. The members of the council shall serve without
15 compensation, but shall be eligible for reimbursement for necessary
16 and reasonable expenses incurred in the performance of their
17 official duties within the limits of funds appropriated or otherwise
18 made available to the council for its purposes.

19 e. The council shall be entitled to receive assistance and
20 services from any State, county, or municipal department, board,
21 commission, or agency as may be made available to it for its
22 purposes. The Department of Human Services shall provide such staff
23 and administrative support to the council as it requires to carry out its
24 responsibilities.
25

26 3. No later than 12 months after the effective date of this act,
27 and annually thereafter, the Department of Human Services, in
28 consultation with the Opioid Recovery and Remediation Fund
29 Advisory Council, shall report to the Governor, and to the
30 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
31 on the details of the allocations made with the funds appropriated
32 from the Opioid Recovery and Remediation Fund. The information
33 shall include the allocation amount, program description, involved
34 community providers, goals of the program, and outcome measures
35 to be used to determine program efficacy. The department shall
36 also post this information on its Internet website.
37

38 4. This act shall take effect immediately.
39
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41 STATEMENT 42

43 This bill establishes the Opioid Recovery and Remediation Fund
44 and the Opioid Recovery and Remediation Fund Advisory Council,
45 thereby providing a framework for the use of funds received from
46 opioid settlements between the State and various parties.

47 Specifically, the bill establishes, in the Department of the
48 Treasury, a dedicated, non-lapsing fund to be known as the "Opioid

1 Recovery and Remediation Fund.” The State Treasurer is to deposit
2 into the fund any moneys that are allocated to or otherwise received
3 by the State as a result of a settlement agreement entered into with,
4 or litigation undertaken against, opioid manufacturers and
5 distributors related to claims arising from the manufacture,
6 marketing, distribution or dispensing of opioids. Any interest and
7 other income earned on moneys in the fund, and any other moneys
8 that may be appropriated or otherwise become available for
9 purposes of the fund, are to be credited to and deposited in the fund.

10 The bill requires that the moneys in the fund are to be dedicated
11 and used only for the purposes of supplementing substance use
12 disorder prevention and treatment programs and services in the
13 State, consistent with the terms of settlements made in connection
14 with claims arising from the manufacture, marketing, distribution or
15 dispensing of opioids, as applicable.

16 The Legislature is to annually appropriate moneys from the fund
17 to the Department of Human Services. The department must then
18 allocate the appropriated funds in consultation with the Opioid
19 Recovery and Remediation Fund Advisory Council, as established
20 under the bill, with an emphasis on supporting programs that are
21 culturally and gender competent, trauma-informed, evidence-based
22 and, where appropriate, employ individuals with lived experience as
23 part of the services provided. Services to be supported from the
24 fund are to include, but are not be limited to, programs:

25 1) To prevent substance use disorder through a youth-focused
26 public health education and prevention campaign, including school-
27 based prevention, early intervention, and health care services and
28 programs to reduce the risk of substance use by school-aged
29 children;

30 2) To develop and implement statewide public education
31 campaigns to reduce stigma against individuals who use drugs,
32 provide information about the risks of substance use, best practices
33 for addressing substance use disorders, and information on how to
34 locate services that reduce the adverse health consequences
35 associated with drug use or provide treatment for substance use
36 disorders;

37 3) To minimize and eliminate the root causes of health
38 disparities that contribute to the use of drugs and inequities in the
39 treatment of substance use disorder among minority communities;

40 4) To support the State’s efforts to divert high-risk individuals
41 from arrest and incarceration through programs with strong case
42 management and harm reduction services that link participants to
43 community-based services, as well as referrals to promote health and
44 understanding for people who use drugs; and

45 5) To establish systems and tools that expand the State’s
46 capacity to collect data and evaluate policies, programs, and
47 strategies designed to address substance use disorder.

1 Furthermore, the bill establishes in, but not of, the Department of
2 Human Services the Opioid Recovery and Remediation Fund
3 Advisory Council, to provide the Department of Human Services
4 with recommendations on the allocation of funds appropriated to
5 the department from the Opioid Recovery and Remediation Fund,
6 as well as any policy modifications necessary to maximize the use
7 of those funds on a State and local level. To effectuate this goal,
8 the bill directs the council to:

9 1) gather and evaluate State data regarding substance use
10 disorder prevention and treatment programs and services in order to
11 determine which populations are not reached by current
12 interventions, as well as which geographic areas of the State have
13 programmatic gaps in addressing substance use disorder; and

14 2) solicit feedback, in a manner and method established by the
15 council, from stakeholders, local providers, and advocates regarding
16 the service needs to prevent and treat substance use disorder across
17 the State.

18 The council shall consist of 13 members, as follows:

19 1) the Commissioner of Human Services, the Commissioner of
20 Health, and the Attorney General, or their designees, who shall
21 serve as ex-officio members;

22 2) four public members appointed by the Governor, of which
23 one is to possess expertise in substance use disorder treatment, one
24 is to possess expertise in harm reduction, one is to possess expertise
25 in criminal justice, and one is to possess expertise in drug policy;

26 3) three public members to be appointed by the President of the
27 Senate, of which one is to possess expertise in substance use
28 disorder treatment, one is to possess expertise in behavioral health,
29 and one is to possess personal experience with substance use and
30 addiction issues; and

31 4) three public members appointed by the Speaker of the
32 Assembly, of which one is to possess expertise in substance use
33 disorder treatment, one is to possess expertise in behavioral health,
34 and one is to possess personal experience with substance use and
35 addiction issues.

36 All appointments to the council are to be made no later than the
37 60th day after the effective date of this act. Each appointed member
38 is to serve a two-year term, with any vacancies in the membership
39 of the council being filled in the same manner as the original
40 appointments.

41 The bill directs the council to organize as soon as practicable
42 following the appointment of its members. Upon its organization,
43 the council is to select a chairperson from among its members. The
44 members are to also select a secretary who need not be a member of
45 the council. The council may hold meetings at the times and places
46 it may designate. A majority of the authorized membership is to
47 constitute a quorum. The council may conduct business without a
48 quorum, but only vote on a recommendation when a quorum is

1 present. The members of the council are to serve without
2 compensation, but are eligible for reimbursement for necessary and
3 reasonable expenses incurred in the performance of their official
4 duties within the limits of funds appropriated or otherwise made
5 available to the council for its purposes.

6 The council is entitled to receive assistance and services from
7 any State, county, or municipal department, board, commission, or
8 agency as may be made available to it for its purposes. Further, the
9 Department of Human Services is required to provide such staff and
10 administrative support to the council as it requires to carry out its
11 responsibilities.

12 No later than 12 months after the effective date of this act, and
13 annually thereafter, the Department of Human Services, in
14 consultation with the Opioid Recovery and Remediation Fund
15 Advisory Council, is to report to the Governor and to the
16 Legislature on the details of the allocations made with the funds
17 appropriated from the Opioid Recovery and Remediation Fund.
18 The information is to include the allocation amount, program
19 description, involved community providers, goals of the program,
20 and outcome measures to be used to determine program efficacy.
21 The department is also required to post this information on its
22 Internet website.