

[Second Reprint]

**ASSEMBLY, No. 1488**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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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:**

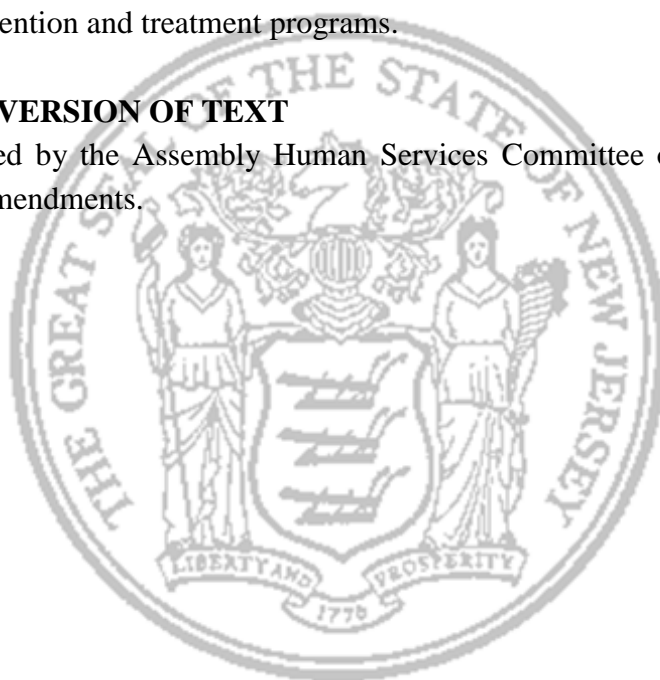
**Assemblywomen Murphy, Timberlake, Dunn, Jasey, Swain, Reynolds-Jackson, Assemblyman Tully, Assemblywomen Swift, Eulner, Piperno, Assemblyman Sampson and Assemblywoman Lopez**

**SYNOPSIS**

Establishes Opioid Recovery and Remediation Fund; establishes requirements for proceeds from opioid settlements to support substance use disorder prevention and treatment programs.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Human Services Committee on February 9, 2023, with amendments.



**(Sponsorship Updated As Of: 2/27/2023)**

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 and  
 10 Remediation Fund.”

11 b. <sup>1</sup>~~【The】~~ To the extent consistent with the terms of a national  
 12 opioid litigation resolution subject to this act, the<sup>1</sup> State Treasurer shall  
 13 deposit into the fund <sup>1</sup>~~【any】~~ the State’s share of<sup>1</sup> moneys <sup>1</sup>~~【that are~~  
 14 allocated to or otherwise received by the State】 received<sup>1</sup> as a result of  
 15 <sup>1</sup>~~【a settlement agreement entered into with, or litigation undertaken~~  
 16 against, opioid manufacturers and distributors related to claims arising  
 17 from the manufacture, marketing, distribution or dispensing of  
 18 opioids】 such resolution<sup>1</sup> . Any interest and other income earned on  
 19 moneys in the fund, and any other moneys that may be appropriated or  
 20 otherwise become available for purposes of the fund, shall be credited  
 21 to and deposited in the fund. <sup>1</sup>For the purposes of this section, moneys  
 22 paid to counties or municipalities <sup>2</sup>~~【or allocated for attorneys’ fees,~~  
 23 costs, and related litigation expenses】<sup>2</sup> shall not be considered to be  
 24 part of the State’s share of moneys received as a result of a national  
 25 opioid litigation resolution.<sup>1</sup> <sup>2</sup>Any moneys received by any State  
 26 department pursuant to a national opioid litigation settlement subject  
 27 to this act shall be transferred into the fund.<sup>2</sup>

28 c. (1) Moneys in the fund <sup>2</sup>are hereby appropriated, shall be  
 29 subject to the applicable requirements of the relevant national opioid  
 30 litigation resolution and any applicable agreement entered into  
 31 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
 32 Legislature as this bill), and<sup>2</sup> shall be dedicated and used only for<sup>2</sup>:

33 (a)<sup>2</sup> the purposes <sup>1</sup>~~【of supplementing substance use disorder~~  
 34 prevention and treatment programs and services in the State, consistent  
 35 with the terms of settlements made in connection with claims arising  
 36 from the manufacture, marketing, distribution or dispensing of opioids,  
 37 as applicable.

38 (2) The Legislature shall annually appropriate <sup>1</sup>~~【~~ described in  
 39 subsection e. of this section <sup>2</sup>~~【, and shall be subject to the applicable~~  
 40 requirements of the relevant national opioid litigation resolution and  
 41 any applicable agreement entered into pursuant to section 3 of

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AHU committee amendments adopted February 14, 2022.

<sup>2</sup>Assembly AHU committee amendments adopted February 9, 2023.

1 P.L. , c. (C. ) (pending before the Legislature as this bill)] :  
2 and  
3 (b) the payment of attorneys' fees, costs, and related litigation  
4 expenses related to the national opioid litigation resolution<sup>2</sup> .  
5 (2) The Department of Human Services shall be designated the  
6 lead agency for the State for purposes of directing the disbursement  
7 and allocation of the State's share of any moneys that are allocated to  
8 or otherwise received by the State as a result of a national opioid  
9 litigation resolution and for monitoring the use of moneys disbursed to  
10 counties or municipalities under a national opioid litigation resolution  
11 or under an agreement entered into pursuant to section 3 of P.L. , c.  
12 (C. ) (pending before the Legislature as this bill) <sup>2</sup>, to the extent  
13 required by such agreements,<sup>2</sup> and, in coordination with the State  
14 Comptroller and the Attorney General, ensuring that the use of such  
15 moneys complies with the purposes set forth in this act and is  
16 consistent with the terms of the applicable national opioid litigation  
17 resolution and any applicable agreement entered into pursuant to  
18 section 3 of P.L. , c. (C. ) (pending before the Legislature as this  
19 bill).  
20 (a) The department shall have primary responsibility for ensuring  
21 that the various reporting, compliance, and administrative functions  
22 imposed upon the State pursuant to the terms and conditions of any  
23 national opioid litigation resolution and any applicable agreement  
24 entered into pursuant to section 3 of P.L. , c. (C. ) (pending  
25 before the Legislature as this bill) are performed, and shall serve as the  
26 single point of contact for the State for settlement fund administrators  
27 and trustees to submit requests for disbursement of <sup>2</sup>settlement<sup>2</sup> funds.  
28 (b) The department shall be authorized to make determinations  
29 regarding disbursement and allocation of the State's share of such  
30 proceeds in accordance with the requirements or terms of any national  
31 opioid litigation resolution and any applicable agreement entered into  
32 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), which may include designations of regions for  
34 the allocation of the State's share of such proceeds, in addition to  
35 taking such other actions as may be assigned or required to be  
36 performed by the lead agency or single point of contact for the State  
37 under the terms of any national opioid litigation resolution and any  
38 applicable agreement entered into pursuant to section 3 of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill).  
40 (c) The department shall receive and review reports from each  
41 county <sup>2</sup>[and municipality]<sup>2</sup> regarding the expenditure of any moneys  
42 received by the county <sup>2</sup>[or municipality]<sup>2</sup> as a result of a national  
43 opioid litigation resolution.  
44 (d) (i) The department shall be authorized to adopt, amend, or  
45 repeal regulations as necessary to carry out the intent and provisions of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill).

1       (ii) Notwithstanding the provisions of the “Administrative  
 2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary,  
 3 the department may, immediately upon filing proper notice with the  
 4 <sup>2</sup>[office] Office<sup>2</sup> of Administrative Law, adopt rules and regulations  
 5 as shall be necessary to enable it to carry out the department’s duties,  
 6 functions, and powers with respect to this act. Rules and regulations  
 7 adopted pursuant to this subsubparagraph shall be effective  
 8 immediately upon filing with the Office of Administrative Law and  
 9 shall be in effect for a period not to exceed 18 months, and shall,  
 10 thereafter, be amended, adopted, or readopted by the department in  
 11 accordance with the provisions of the “Administrative Procedure Act,”  
 12 P.L.1968, c.410 (C.52:14B-1 et seq.).

13       (3) Notwithstanding any other law <sup>2</sup>or regulation<sup>2</sup> to the contrary,  
 14 there is hereby appropriated: (a)<sup>1</sup> moneys from the fund to the  
 15 Department of Human Services, which shall allocate the appropriated  
 16 funds in <sup>1</sup>accordance with the provisions of subsections d., e., and f. of  
 17 this section; and (b) <sup>2</sup>to the extent applicable,<sup>2</sup> moneys paid to the  
 18 State as a result of a national opioid litigation resolution that have been  
 19 allocated to a county or municipality in accordance with the terms of  
 20 the national opioid litigation resolution or a related agreement entered  
 21 into pursuant to section 3 of P.L. , c. (C. ) (pending before the  
 22 Legislature as this bill), and to the extent necessary to effectuate such  
 23 resolution, which shall be used in accordance with the provisions of  
 24 subsections d., e., and f. of this section.

25       <sup>2</sup>(4) Moneys from the fund may be transferred to other State  
 26 departments as directed by the Commissioner of Human Services in  
 27 support of the purposes provided for in this act, subject to the approval  
 28 of the Director of Budget and Accounting.<sup>2</sup>

29       d. Notwithstanding section 2 of P.L.1999, c.129 (C.56:8-14.3),  
 30 section 15 of P.L.2003, c.76 (C.56:8-133), and the “New Jersey False  
 31 Claims Act,” P.L.2007, c.265 (C.2A:32C-1 et seq.), the department  
 32 shall direct the allocation and disbursement of moneys in the Opioid  
 33 Recovery and Remediation Fund established by this section, and shall  
 34 do so in<sup>1</sup> consultation with the Opioid Recovery and Remediation  
 35 <sup>2</sup>[Fund]<sup>2</sup> Advisory Council, <sup>1</sup>[as]<sup>1</sup> established pursuant to section 2  
 36 of this act. The department shall allocate funds with an emphasis on  
 37 supporting programs <sup>1</sup>and strategies<sup>1</sup> that are <sup>1</sup>[culturally and gender  
 38 competent, trauma-informed,]<sup>1</sup> evidence-based <sup>1</sup>or evidence-  
 39 informed<sup>1</sup> and, <sup>1</sup>[where appropriate, employ individuals with lived  
 40 experience as part of the services provided. Services to be supported  
 41 from the fund shall include, but shall not be limited to, programs:

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

46       (b) To develop and implement Statewide public education  
 47 campaigns to reduce stigma against individuals who use drugs, provide

1 information about the risks of substance use, best practices for  
2 addressing substance use disorders, and information on how to locate  
3 services that reduce the adverse health consequences associated with  
4 drug use or provide treatment for substance use disorders;

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

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

13 (e) To establish systems and tools that expand the State's capacity  
14 to collect data and evaluate policies, programs, and strategies designed  
15 to address substance use disorder **】** in making such allocations, shall  
16 consider equitable access for underserved communities Statewide.

17 e. Moneys, other than attorneys' fees, costs, and expenses related  
18 to litigation, that are allocated to or otherwise received by the State or  
19 any county or municipality as a result of a national opioid litigation  
20 resolution, shall be dedicated and used, consistent with the terms of an  
21 applicable national opioid litigation resolution and any applicable  
22 agreement entered into pursuant to section 3 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill), for the purpose of  
24 addressing opioid use disorder and any co-occurring substance use  
25 disorder or mental health conditions through evidence-based or  
26 evidence-informed practices or strategies that may include, but shall  
27 not be limited to, the following:

28 (1) Supporting the treatment of opioid use disorders and any co-  
29 occurring substance use disorder or mental health conditions through  
30 evidence-based or evidence-informed programs or strategies;

31 (2) Supporting individuals in recovery from opioid use disorder, as  
32 well as any co-occurring substance use disorder or mental health  
33 conditions, through evidence-based or evidence-informed programs or  
34 strategies, including, but not limited to, providing support services to  
35 the families of such individuals;

36 (3) Providing connections to care for people who have, or are at  
37 risk of developing, an opioid use disorder or a co-occurring substance  
38 use disorder or mental health condition, through evidence-based or  
39 evidence-informed programs or strategies;

40 (4) Using evidence-based or evidence-informed programs or  
41 strategies to address the needs of persons with an opioid use disorder  
42 or a co-occurring substance use disorder or mental health condition  
43 who are involved in, are at risk of becoming involved in, or are  
44 transitioning out of, the criminal justice system;

45 (5) Using evidence-based or evidence-informed programs or  
46 strategies to address the needs of pregnant or parenting persons with  
47 opioid use disorder or a co-occurring substance use disorder or mental

1 health condition, and the needs of the families of such individuals,  
2 including babies with neonatal abstinence syndrome;

3 (6) Supporting efforts to prevent over-prescribing and ensure  
4 appropriate prescribing and dispensing of opioids through evidence-  
5 based or evidence-informed programs or strategies;

6 (7) Using evidence-based or evidence-informed programs or  
7 strategies to support efforts to discourage or prevent the misuse of <sup>2</sup>,  
8 and the development of substance use disorders involving <sup>2</sup> opioids;

9 (8) Using evidence-based or evidence-informed programs or  
10 strategies to support efforts to prevent or reduce overdose deaths or  
11 other opioid-related harms;

12 (9) Educating law enforcement or other first responders regarding  
13 appropriate practices and precautions when dealing with fentanyl and  
14 other drugs;

15 (10) Providing wellness and support services for first responders  
16 and others who experience secondary trauma associated with opioid-  
17 related emergency events;

18 (11) Supporting efforts to provide leadership, planning,  
19 coordination, facilitations, training, and technical assistance to abate  
20 the opioid epidemic through activities, programs, and strategies;

21 (12) Supporting training to abate the opioid epidemic through  
22 activities, programs, or strategies;

23 (13) Supporting opioid abatement research;

24 (14) Supporting such other strategies as may be expressly  
25 identified in any national opioid litigation resolution; and

26 (15) Administrative expenses, subject to limits imposed by any  
27 national opioid litigation resolution or by any agreement entered  
28 pursuant to section 3 of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill).

30 f. Moneys, other than attorneys' fees, costs, and expenses related  
31 to litigation, that are allocated to or otherwise received by the State or  
32 any of its counties or municipalities as a result of a national opioid  
33 litigation resolution shall be used to supplement, and shall not  
34 supplant, federal, State, county, or municipal funds, as the case may  
35 be, that otherwise would have been used to carry out the purposes  
36 delineated in this act, and no amount of such moneys shall be used to  
37 reimburse the State or any of its counties or municipalities for past  
38 expenditures, except as may otherwise be required to refund to the  
39 federal government a portion of the moneys.

40 g. For the purposes of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill), "national opioid litigation resolution" means a  
42 settlement agreement, entered into by the Attorney General of New  
43 Jersey on behalf of the State and by other state attorneys general on  
44 behalf of their respective states, which provides for the participation of  
45 states, counties, and municipalities to resolve claims by the state  
46 attorneys general and counties and municipalities against opioid  
47 manufacturers, opioid distributors, or pharmacies <sup>2</sup>, or persons or  
48 entities affiliated with an opioid manufacturer, opioid distributor, or

1 pharmacy,<sup>2</sup> related to the manufacture, marketing, distribution, or  
 2 dispensing of opioids, or a bankruptcy plan <sup>2</sup>【that】 which is governed  
 3 by an agreement entered into pursuant to section 3 of P.L. , c.  
 4 (C. ) (pending before the Legislature as this bill) and which<sup>2</sup> has  
 5 received final approval and that channels, releases, or otherwise finally  
 6 disposes of such claims including those of the State and its counties  
 7 and municipalities<sup>1</sup> .

8  
 9 2. a. There is established in <sup>2</sup>【, but not of,】<sup>2</sup> the Department of  
 10 Human Services <sup>2</sup>【<sup>1</sup>,<sup>1</sup>】<sup>2</sup> the Opioid Recovery and Remediation  
 11 <sup>2</sup>【Fund】<sup>2</sup> Advisory Council. The council shall <sup>2</sup>【provide the  
 12 Department of Human Services with <sup>1</sup>general<sup>1</sup> recommendations on  
 13 the allocation of funds appropriated to the department from the Opioid  
 14 Recovery and Remediation Fund, as well as any policy modifications  
 15 necessary to maximize the use of those funds <sup>1</sup>【on a】 at the<sup>1</sup> State and  
 16 local <sup>1</sup>【level】 levels<sup>1</sup>】 be advisory in nature and its purpose shall be to  
 17 review proposals, data, and analyses, and engage with stakeholders  
 18 and community members, to develop and provide recommendations on  
 19 the allocation and distribution of the State's share of proceeds from  
 20 national opioid litigation resolutions. The council shall provide  
 21 information, advice, and general recommendations consistent with its  
 22 purpose to the Governor, the Commissioner of Human Services, and  
 23 other executive branch departments and agencies<sup>2</sup> . To effectuate this  
 24 goal, the council shall:

25 (1) <sup>1</sup>【gather and evaluate State】 <sup>2</sup>【provide<sup>1</sup>】 gather and evaluate<sup>2</sup>  
 26 data <sup>2</sup>【<sup>1</sup>to the department<sup>1</sup>】<sup>2</sup> regarding <sup>1</sup>the availability of, gaps in,  
 27 and barriers to<sup>1</sup> substance use disorder prevention and treatment  
 28 programs and <sup>1</sup>recovery<sup>1</sup> services <sup>1</sup>【in order to determine which  
 29 populations are not reached by current interventions, as well as which  
 30 geographic areas of the State have programmatic gaps in addressing  
 31 substance use disorder】<sup>1</sup> ; <sup>2</sup>【and】<sup>2</sup>

32 (2) solicit feedback, in a manner and method established by the  
 33 council, from stakeholders, local providers, <sup>2</sup>【and】<sup>2</sup> advocates <sup>2</sup>,  
 34 individuals with lived experience with opioid use disorders, including  
 35 people who have or are in recovery from an opioid use disorder and  
 36 family members of people with an opioid use disorder, the academic  
 37 community, individuals with expertise in areas related to substance use  
 38 disorders, community groups, and members of the public,<sup>2</sup> regarding  
 39 the <sup>1</sup>【service needs】 services needed<sup>1</sup> to prevent and treat substance  
 40 use <sup>1</sup>【disorder】 disorders<sup>1</sup> across the State <sup>2</sup>;

41 (3) review and evaluate recommendations submitted by the public  
 42 using the online portal that was established by the State on August 31,  
 43 2022 to enable members of the public to provide recommendations on  
 44 the expenditure of proceeds from national opioid litigation resolutions;

45 (4) evaluate approaches taken by New Jersey and other states in  
 46 administering proceeds from national opioid litigation resolutions;

1       (5) consult with experts and other knowledgeable individuals in  
2 both the public and private sectors on any aspect of its duties as the  
3 council deems necessary and appropriate; and

4       (6) take any other actions as the council deems appropriate to  
5 inform its recommendations, with the purpose of promoting the  
6 equitable and efficient distribution of settlement funds, including the  
7 distribution of funds using evidence-based and evidence-informed  
8 practices and strategies<sup>2</sup> .

9       b. The council shall <sup>2</sup>**【**consist of 13 members, as follows**】**  
10 comprise<sup>2</sup> :

11       (1) the Commissioner of Human Services, the Commissioner of  
12 Health, <sup>2</sup>the Commissioner of Children and Families,<sup>2</sup> and the  
13 Attorney General, or their designees, who shall serve <sup>1</sup>**【**as**】**<sup>1</sup> ex-officio  
14 <sup>1</sup>**【**members**】**<sup>1</sup> ;

15       (2) <sup>2</sup>**【**four**】** at least 10<sup>2</sup> public members appointed by the Governor  
16 <sup>2</sup>**【**, of which <sup>1</sup>members<sup>1</sup> one shall possess expertise in substance use  
17 disorder treatment, one shall possess expertise in harm reduction, one  
18 shall possess expertise in criminal justice, and one shall possess  
19 expertise in drug policy**】** who reflect the diversity of New Jersey and  
20 who shall include public health and policy experts and two or more  
21 individuals who have lived experience with opioid use disorders,  
22 including one or more individuals who have or are in recovery from an  
23 opioid use disorder and one or more family members of a person with  
24 an opioid use disorder<sup>2</sup> ; <sup>2</sup>and<sup>2</sup>

25       (3) <sup>2</sup>**【**three public members <sup>1</sup>**【**to be**】** ; <sup>1</sup>appointed by the <sup>1</sup>Governor  
26 upon recommendation of the<sup>1</sup> President of the Senate, of which  
27 <sup>1</sup>members<sup>1</sup> one shall possess expertise in substance use disorder  
28 treatment, one shall possess expertise in behavioral health, and one  
29 shall possess personal experience with substance use and  
30 <sup>1</sup>**【**addiction**】**<sup>1</sup> issues <sup>1</sup>related to a substance use disorder<sup>1</sup> ; and

31       (4) three public members <sup>1</sup>, <sup>1</sup>appointed by the <sup>1</sup>Governor upon  
32 recommendation of the<sup>1</sup> Speaker of the Assembly, of which  
33 <sup>1</sup>members<sup>1</sup> one shall possess expertise in substance use disorder  
34 treatment, one shall possess expertise in <sup>1</sup>**【**behavioral**】**<sup>1</sup> health <sup>1</sup>care  
35 equity<sup>1</sup> , and one shall possess <sup>1</sup>**【**personal experience with substance  
36 use and addiction issues**】** expertise in health policy<sup>1</sup>**】** such additional  
37 ex officio and public members as the Governor deems appropriate<sup>2</sup> .

38       c. <sup>2</sup>**【**All appointments to the council shall be made no later than  
39 the 60th day after the effective date of this act. Each <sup>1</sup>**【**appointed**】**  
40 public<sup>1</sup> member shall serve a two-year term, with any vacancies in the  
41 membership of the council being filled in the same manner as  
42 <sup>1</sup>provided for<sup>1</sup> the original appointments. <sup>1</sup>The Governor shall appoint  
43 a chairperson from among the public members of the council to serve  
44 in such capacity at the pleasure of the Governor.<sup>1</sup>**】** The public  
45 members of the council shall serve at the pleasure of the Governor.



1 The Commissioner of Human Services or the commissioner's designee  
2 shall serve as the chairperson of the council.<sup>2</sup>

3 d. The council shall organize as soon as practicable following the  
4 appointment of its members <sup>2</sup>and shall meet at such frequencies as  
5 shall be required by the Governor as well as at the call of the  
6 chairperson<sup>2</sup> . <sup>1</sup>Upon its organization, the council shall select a  
7 chairperson from among its members.<sup>1</sup> <sup>2</sup>The members shall also  
8 select a secretary who need not be a member of the council. The  
9 council may hold meetings at <sup>1</sup>the such<sup>1</sup> times and places <sup>1</sup>as it  
10 may designate. A majority of the authorized membership shall  
11 constitute a quorum. The council may conduct business without a  
12 quorum, but shall only vote on a recommendation when a quorum is  
13 present.<sup>2</sup> The members of the council shall serve without  
14 compensation, but shall be eligible for reimbursement for necessary  
15 and reasonable expenses incurred in the performance of their official  
16 duties within the limits of funds appropriated or otherwise made  
17 available to the council for its purposes.

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

24 <sup>1</sup>f. <sup>2</sup>(1)<sup>2</sup> To the extent permissible under the terms of a national  
25 opioid litigation resolution, the council shall not be required to, and  
26 may refrain from, making recommendations for expenditures that  
27 would primarily benefit counties or municipalities that were eligible to  
28 participate in the national opioid litigation resolution that yielded such  
29 funds but did not participate in the resolution, provided that nothing in  
30 this subsection shall be deemed to prevent the council from exercising  
31 its discretion to make such recommendations should it determine to do  
32 so.

33 <sup>2</sup>(2) The council may, but shall not be required to, provide  
34 information and general recommendations to counties and  
35 municipalities concerning the expenditure of the share of proceeds  
36 from national opioid litigation resolutions allocated to those counties  
37 and municipalities, and may coordinate with any similarly situated  
38 county advisory council as the chairperson deems appropriate.<sup>2</sup>

39 g. The council shall <sup>2</sup>be considered a "public body" for the  
40 purpose of complying with the provisions of the "Senator Byron M.  
41 Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-  
42 6 et seq.), and shall be subject to the provisions thereof. The "New  
43 Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-  
44 12 et seq.), shall apply to all members of the council<sup>2</sup> expire 180 days  
45 after all proceeds from opioid litigation resolutions are expended and  
46 the Department of Human Services issues the final report required

1 pursuant to subsection b of section 5 of P.L. , c. (C. ) (pending  
2 before the Legislature as this bill)<sup>2, 1</sup>

3  
4 <sup>1</sup>3. The Attorney General, in consultation with the  
5 Commissioner of Human Services, shall be authorized to enter into  
6 agreements with counties and municipalities concerning the  
7 allocation and expenditure of moneys allocated to the State and its  
8 counties and municipalities in any national opioid litigation  
9 resolution.<sup>1</sup>

10  
11 <sup>1</sup>4. A county <sup>2</sup>[or municipality]<sup>2</sup> that directly receives moneys  
12 as a result of a national opioid litigation resolution shall establish an  
13 advisory council to provide input, advice, and recommendations on  
14 the disbursement <sup>2</sup>[and allocation]<sup>2</sup> of such moneys <sup>2</sup>and, if  
15 requested by a municipality within the county, on the disbursement  
16 of moneys from a national opioid litigation resolution received by  
17 the municipality<sup>2</sup>. Each county <sup>2</sup>[or municipal]<sup>2</sup> advisory council  
18 shall, at a minimum, consist of a member possessing expertise in  
19 substance use disorder treatment or prevention, a member  
20 representing a provider of behavioral health or substance use  
21 disorder treatment in the community, a member with personal  
22 experience with substance use and substance use disorder issues,  
23 the county prosecutor or the county prosecutor's designee, and an  
24 individual authorized to appropriate funds on behalf of the  
25 governing body of the <sup>2</sup>[municipality or]<sup>2</sup> county <sup>2</sup>[, as the case  
26 may be,]<sup>2</sup> or such individual's designee. A county <sup>2</sup>[or  
27 municipal]<sup>2</sup> advisory council may include any additional members  
28 as the county <sup>2</sup>[or municipality]<sup>2</sup> deems necessary and  
29 appropriate.<sup>1</sup>

30  
31 <sup>1</sup>[3.] <sup>5.1</sup> <sup>2a.2</sup> No later than 12 months after the effective date of  
32 this act, and annually thereafter <sup>2</sup>until all proceeds from national  
33 opioid litigation resolutions have been expended<sup>2</sup>, the Department of  
34 Human Services, in consultation with the Opioid Recovery and  
35 Remediation <sup>2</sup>[Fund]<sup>2</sup> Advisory Council, shall report to the  
36 Governor, and to the Legislature pursuant to section 2 of P.L.1991,  
37 c.164 (C.52:14-19.1) <sup>2, 2</sup> on the details of the allocations made with the  
38 funds appropriated from the Opioid Recovery and Remediation Fund.  
39 The information shall include the allocation amount, program  
40 description, involved community providers, goals of the program, and  
41 outcome measures to be used to determine program efficacy.

42 <sup>2</sup>b. No later than 180 days after all proceeds from national opioid  
43 litigation resolutions have been expended, the Department of Human  
44 Services shall prepare and issue to the Governor, and to the Legislature  
45 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a final report  
46 concerning the State's expenditure of opioid litigation resolution

1 proceeds, including: the amounts allocated; descriptions of the  
2 programs funded using the proceeds; community providers involved in  
3 programs receiving allocations from the proceeds; outcomes from  
4 programs receiving allocations from the proceeds; overall outcomes  
5 resulting from the expenditure of the proceeds, including changes in  
6 substance use disorder rates, overdose deaths, participation in  
7 substance use disorder treatment and recovery programs, successful  
8 treatment outcomes, outcomes involving dual diagnoses involving  
9 substance use disorders in combination with other behavioral health  
10 conditions, and expansions in substance use disorder and other  
11 behavioral health care provider and treatment capacity; and such other  
12 information and data as the department deems necessary to fully  
13 evaluate the use of opioid litigation resolution funds pursuant to this  
14 act.

15 c.<sup>2</sup> The department shall <sup>2</sup>**["also"]**<sup>2</sup> post <sup>2</sup>**["this"]** the<sup>2</sup> information  
16 <sup>2</sup>and reports required pursuant to this section<sup>2</sup> on its Internet website.

17  
18 <sup>1</sup>**["4.]"** 6.<sup>1</sup> This act shall take effect immediately.