

# SENATE, No. 4016

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 26, 2023

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**SYNOPSIS**

Provides for expansion of certain support team addiction recovery programs; appropriates \$1,995,000 from opioid recovery and remediation fund.

**CURRENT VERSION OF TEXT**

As introduced.



S4016 POU, RUIZ

2

1 AN ACT concerning support team addiction recovery programs,  
2 amending P.L.2023, c.25, supplementing Chapter 2G of Title 26  
3 of the Revised Statutes, and making an appropriation.

4

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

7

8 1. Section 1 of P.L.2023, c.25 (C.26:2G-39) is to read as  
9 follows:

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

13 b. To the extent consistent with the terms of a national opioid  
14 litigation resolution subject to this act, the State Treasurer shall  
15 deposit into the fund the State's share of moneys received as a result  
16 of such resolution. Any interest and other income earned on  
17 moneys in the fund, and any other moneys that may be appropriated  
18 or otherwise become available for purposes of the fund, shall be  
19 credited to and deposited in the fund. For the purposes of this  
20 section, moneys paid to counties or municipalities shall not be  
21 considered to be part of the State's share of moneys received as a  
22 result of a national opioid litigation resolution. Any moneys  
23 received by any State department pursuant to a national opioid  
24 litigation settlement subject to this act shall be transferred into the  
25 fund.

26 c. (1) Moneys in the fund are hereby appropriated, shall be  
27 subject to the applicable requirements of the relevant national  
28 opioid litigation resolution and any applicable agreement entered  
29 into pursuant to section 3 of P.L.2023, c.25 (C.26:2G-41), and shall  
30 be dedicated and used only for:

31 (a) the purposes described in subsection e. of this section; and

32 (b) the payment of attorneys' fees, costs, and related litigation  
33 expenses related to the national opioid litigation resolution.

34 (2) The Department of Human Services shall be designated the  
35 lead agency for the State for purposes of directing the disbursement  
36 and allocation of the State's share of any moneys that are allocated  
37 to or otherwise received by the State as a result of a national opioid  
38 litigation resolution and for monitoring the use of moneys disbursed  
39 to counties or municipalities under a national opioid litigation  
40 resolution or under an agreement entered into pursuant to section 3  
41 of P.L.2023, c.25 (C.26:2G-41), to the extent required by such  
42 agreements, and, in coordination with the State Comptroller and the  
43 Attorney General, ensuring that the use of such moneys complies  
44 with the purposes set forth in this act and is consistent with the  
45 terms of the applicable national opioid litigation resolution and any

**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.**

1 applicable agreement entered into pursuant to section 3 of P.L.2023,  
2 c.25 (C.26:2G-41).

3 (a) The department shall have primary responsibility for ensuring  
4 that the various reporting, compliance, and administrative functions  
5 imposed upon the State pursuant to the terms and conditions of any  
6 national opioid litigation resolution and any applicable agreement  
7 entered into pursuant to section 3 of P.L.2023, c.25 (C.26:2G-41)  
8 are performed, and shall serve as the single point of contact for the  
9 State for settlement fund administrators and trustees to submit  
10 requests for disbursement of settlement funds.

11 (b) The department shall be authorized to make determinations  
12 regarding disbursement and allocation of the State's share of such  
13 proceeds in accordance with the requirements or terms of any  
14 national opioid litigation resolution and any applicable agreement  
15 entered into pursuant to section 3 of P.L.2023, c.25 (C.26:2G-41),  
16 which may include designations of regions for the allocation of the  
17 State's share of such proceeds, in addition to taking such other  
18 actions as may be assigned or required to be performed by the lead  
19 agency or single point of contact for the State under the terms of  
20 any national opioid litigation resolution and any applicable  
21 agreement entered into pursuant to section 3 of P.L.2023, c.25  
22 (C.26:2G-41).

23 (c) The department shall receive and review reports from each  
24 county regarding the expenditure of any moneys received by the  
25 county as a result of a national opioid litigation resolution.

26 (d) (i) The department shall be authorized to adopt, amend, or  
27 repeal regulations as necessary to carry out the intent and provisions  
28 of P.L.2023, c.25 (C.26:2G-39 et seq.).

29 (ii) Notwithstanding the provisions of the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the  
31 contrary, the department may, immediately upon filing proper  
32 notice with the Office of Administrative Law, adopt rules and  
33 regulations as shall be necessary to enable it to carry out the  
34 department's duties, functions, and powers with respect to this act.  
35 Rules and regulations adopted pursuant to this **[subsubparagraph]**  
36 sub-subparagraph shall be effective immediately upon filing with  
37 the Office of Administrative Law and shall be in effect for a period  
38 not to exceed 18 months, and shall, thereafter, be amended,  
39 adopted, or readopted by the department in accordance with the  
40 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
41 (C.52:14B-1 et seq.).

42 (3) Notwithstanding any other law or regulation to the contrary,  
43 there is hereby appropriated: (a) moneys from the fund to the  
44 Department of Human Services, which shall allocate the  
45 appropriated funds in accordance with the provisions of subsections  
46 d., e., and f. of this section; and (b) to the extent applicable, moneys  
47 paid to the State as a result of a national opioid litigation resolution  
48 that have been allocated to a county or municipality in accordance

1 with the terms of the national opioid litigation resolution or a  
2 related agreement entered into pursuant to section 3 of P.L.2023,  
3 c.25 (C.26:2G-41), and to the extent necessary to effectuate such  
4 resolution, which shall be used in accordance with the provisions of  
5 subsections d., e., and f. of this section.

6 (4) Moneys from the fund may be transferred to other State  
7 departments as directed by the Commissioner of Human Services in  
8 support of the purposes provided for in this act, subject to the  
9 approval of the Director of Budget and Accounting.

10 d. Notwithstanding section 2 of P.L.1999, c.129 (C.56:8-14.3),  
11 section 15 of P.L.2003, c.76 (C.56:8-133), and the "New Jersey  
12 False Claims Act," P.L.2007, c.265 (C.2A:32C-1 et seq.), the  
13 department shall direct the allocation and disbursement of moneys  
14 in the Opioid Recovery and Remediation Fund established by this  
15 section, and shall do so in consultation with the Opioid Recovery  
16 and Remediation Advisory Council, established pursuant to section  
17 2 of this act. The department shall allocate funds with an emphasis  
18 on supporting programs and strategies that are evidence-based or  
19 evidence-informed and, in making such allocations, shall consider  
20 equitable access for underserved communities Statewide.

21 e. Moneys, other than attorneys' fees, costs, and expenses  
22 related to litigation, that are allocated to or otherwise received by  
23 the State or any county or municipality as a result of a national  
24 opioid litigation resolution, shall be dedicated and used, consistent  
25 with the terms of an applicable national opioid litigation resolution  
26 and any applicable agreement entered into pursuant to section 3 of  
27 P.L.2023, c.25 (C.26:2G-41), for the purpose of addressing opioid  
28 use disorder and any co-occurring substance use disorder or mental  
29 health conditions through evidence-based or evidence-informed  
30 practices or strategies that may include, but shall not be limited to,  
31 the following:

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

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

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

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

- 1 condition who are involved in, are at risk of becoming involved in,  
2 or are transitioning out of, the criminal justice system;
- 3 (5) Using evidence-based or evidence-informed programs or  
4 strategies to address the needs of pregnant or parenting persons with  
5 opioid use disorder or a co-occurring substance use disorder or  
6 mental health condition, and the needs of the families of such  
7 individuals, including babies with neonatal abstinence syndrome;
- 8 (6) Supporting efforts to prevent over-prescribing and ensure  
9 appropriate prescribing and dispensing of opioids through evidence-  
10 based or evidence-informed programs or strategies;
- 11 (7) Using evidence-based or evidence-informed programs or  
12 strategies to support efforts to discourage or prevent the misuse of,  
13 and the development of substance use disorders involving, opioids;
- 14 (8) Using evidence-based or evidence-informed programs or  
15 strategies to support efforts to prevent or reduce overdose deaths or  
16 other opioid-related harms;
- 17 (9) Educating law enforcement or other first responders  
18 regarding appropriate practices and precautions when dealing with  
19 fentanyl and other drugs;
- 20 (10) Providing wellness and support services for first responders  
21 and others who experience secondary trauma associated with  
22 opioid-related emergency events;
- 23 (11) Supporting efforts to provide leadership, planning,  
24 coordination, facilitations, training, and technical assistance to  
25 abate the opioid epidemic through activities, programs, and  
26 strategies;
- 27 (12) Supporting training to abate the opioid epidemic through  
28 activities, programs, or strategies;
- 29 (13) Supporting opioid abatement research;
- 30 (14) Supporting such other strategies as may be expressly  
31 identified in any national opioid litigation resolution; **[and]**
- 32 (15) Administrative expenses, subject to limits imposed by any  
33 national opioid litigation resolution or by any agreement entered  
34 pursuant to section 3 of P.L.2023, c.25 (C.26:2G-41); and
- 35 (16) Supporting case management and recovery support services  
36 provided through the Support Team Addiction Recovery (STAR)  
37 and the Support Team Addiction Recovery (STAR) Jail Expansion  
38 programs pursuant to section 2 of P.L. , c. (C. ) (pending  
39 before the Legislature as this bill).
- 40 f. Moneys, other than attorneys' fees, costs, and expenses  
41 related to litigation, that are allocated to or otherwise received by  
42 the State or any of its counties or municipalities as a result of a  
43 national opioid litigation resolution shall be used to supplement,  
44 and shall not supplant, federal, State, county, or municipal funds, as  
45 the case may be, that otherwise would have been used to carry out  
46 the purposes delineated in this act, and no amount of such moneys  
47 shall be used to reimburse the State or any of its counties or  
48 municipalities for past expenditures, except as may otherwise be

1 required to refund to the federal government a portion of the  
2 moneys.

3 g. For the purposes of P.L.2023, c.25 (C.26:2G-39 et seq.),  
4 "national opioid litigation resolution" means a settlement  
5 agreement, entered into by the Attorney General of New Jersey on  
6 behalf of the State and by other state attorneys general on behalf of  
7 their respective states, which provides for the participation of states,  
8 counties, and municipalities to resolve claims by the State attorneys  
9 general and counties and municipalities against opioid  
10 manufacturers, opioid distributors, or pharmacies, or persons or  
11 entities affiliated with an opioid manufacturer, opioid distributor, or  
12 pharmacy, related to the manufacture, marketing, distribution, or  
13 dispensing of opioids, or a bankruptcy plan which is governed by an  
14 agreement entered into pursuant to section 3 of P.L.2023, c.25  
15 (C.26:2G-41) and which has received final approval and that  
16 channels, releases, or otherwise finally disposes of such claims  
17 including those of the State and its counties and municipalities.  
18 (cf: P.L.2023, c.25, s.1)

19

20 2. (New section) a. There is allocated from the "Opioid  
21 Recovery and Remediation Fund," established pursuant to section 1  
22 of P.L.2023, c.25 (C.26:2G-39), to the Department of Human  
23 Services \$1,995,000 to supplement the federal funds appropriated to  
24 counties for the Support Team Addiction Recovery (STAR) and the  
25 Support Team Addiction Recovery (STAR) Jail Expansion  
26 programs administered by the Division of Mental Health and  
27 Addiction Services as follows:

28 (1) \$1,715,000 to supplement existing federal grant monies  
29 appropriated to counties for STAR programs;

30 (2) \$192,500 to establish a STAR Jail Expansion program in  
31 Passaic county; and

32 (3) \$87,500 to provide for:

33 (a) staff salaries and assumed salary increases for case managers  
34 and recovery support specialists hired by the STAR Jail Expansion  
35 program established in Passaic county; and

36 (b) salary increases for case managers and recovery support  
37 specialists hired by the STAR Jail Expansion program in Atlantic,  
38 Bergen, Camden, Essex, Gloucester, Hudson, Mercer, Middlesex,  
39 Monmouth, and Ocean counties.

40 b. Nothing in this section shall imply or require that the funds  
41 allocated from the "Opioid Recovery and Remediation Fund"  
42 pursuant to P.L. , c. (C. ) (pending before the Legislature  
43 as this bill) replace or decrease the amount of existing federal grant  
44 monies appropriated to counties for STAR and STAR Jail  
45 Expansion programs.

46 c. As used in this section:

47 "Support Team Addiction Recovery (STAR) program" means a  
48 program administered by the Division of Mental Health and

1 Addiction Services in the Department of Human Services which  
2 provides case management and recovery support services to  
3 individuals with a substance use disorder.

4 “Support Team Addiction Recovery (STAR) Jail Expansion  
5 program” means a STAR program which specifically provides case  
6 management and recovery support services to individuals with  
7 substance use disorders who were recently released from a State,  
8 county, or local correctional facility.

9  
10 3. (New section) The Commissioner of Human Services,  
11 pursuant to the “Administrative Procedure Act” P.L.1968, c.410  
12 (C.52:14B-1 et seq.), shall adopt such rules and regulations as  
13 necessary to implement the provisions of this act.

14  
15 4. This act shall take effect immediately, except that the  
16 Commissioner of Human Services may take any anticipatory  
17 administrative action in advance as shall be necessary for the  
18 implementation of this act.

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21 STATEMENT

22

23 This bill amends section 1 of P.L.2023, c.25 (C.26:2G-39) to  
24 allow moneys received by the State as a result of the national opioid  
25 litigation resolution and deposited into the “Opioid Recovery and  
26 Remediation Fund” to be used to support case management and  
27 recovery support services provided through the Support Team  
28 Addiction Recovery (STAR) and the Support Team Addiction  
29 Recovery (STAR) Jail Expansion programs.

30 A STAR program, administered by the Division of Mental  
31 Health and Addiction Services in the Department of Human  
32 Services (DHS), provides case management and recovery support  
33 services to individuals with a substance use disorder. A STAR Jail  
34 Expansion program specifically provides case management and  
35 recovery support services to individuals with substance use  
36 disorders who were recently released from a State, county, or local  
37 correctional facility.

38 The bill allocates \$1,995,000 from the “Opioid Recovery and  
39 Remediation Fund” to the DHS to supplement the federal funds  
40 appropriated to counties for STAR and STAR Jail expansion  
41 programs as follows: (1) \$1,715,000 to supplement existing federal  
42 grant monies appropriated to counties for STAR programs; (2)  
43 \$192,500 to establish a STAR Jail Expansion program in Passaic  
44 county; and (3) \$87,500 to provide for salaries and assumed salary  
45 increases for case managers and recovery support specialists hired  
46 by STAR and STAR Jail expansion programs.

**S4016 POU, RUIZ**

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1       The bill also stipulates the funds allocated from the “Opioid  
2       Recovery and Remediation Fund” are not to replace or decrease the  
3       amount of existing federal grant monies appropriated to counties for  
4       the STAR and STAR Jail Expansion programs.