

Requested by Representative SANCHEZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 4098**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions; and”.

3 On page 4, after line 16, insert:

4 **“SECTION 4. As used in sections 4 to 6 of this 2022 Act:**

5 **“(a) ‘Distributor Settlement Agreement’ means the settlement**
6 **agreement between the State of Oregon and participating subdivisions**
7 **and McKesson, Cardinal and AmerisourceBergen dated as of July 21,**
8 **2021, and any revision thereto.**

9 **“(b) ‘Janssen Settlement Agreement’ means the settlement agree-**
10 **ment between the State of Oregon and participating subdivisions and**
11 **Johnson & Johnson, Janssen Pharmaceuticals, Incorporated, and**
12 **Ortho-McNeil-Janssen Pharmaceuticals, Incorporated, dated as of July**
13 **21, 2021, and any revision thereto.**

14 **“(c) ‘Participating subdivisions’ means cities and counties in this**
15 **state with populations of at least 10,000 residents.**

16 **“SECTION 5. (1) The Opioid Settlement Prevention, Treatment and**
17 **Recovery Fund is established in the State Treasury, separate and dis-**
18 **tinct from the General Fund, consisting of moneys, other than attor-**
19 **ney fees and costs, paid to the state pursuant to:**

20 **“(a) The Distributor Settlement Agreement;**

21 **“(b) The Janssen Settlement Agreement; and**

1 “(c) Judgments or settlements identified by the Attorney General
2 as arising from the liability of distributors of opioids, manufacturers
3 of opioids, pharmacies for the selling of opioids or the consultants,
4 agents or associates of distributors, manufacturers or pharmacies.

5 “(2) Moneys in the fund are continuously appropriated to the
6 Oregon Health Authority for the purpose of administering the Opioid
7 Settlement Prevention, Treatment and Recovery Board and for the
8 allocation of moneys as directed by the board in accordance with sec-
9 tion 6 of this 2022 Act.

10 “SECTION 6. (1) The Opioid Settlement Prevention, Treatment and
11 Recovery Board is created in the Oregon Health Authority for the
12 purpose of determining the allocation of funding from the Opioid
13 Settlement Prevention, Treatment and Recovery Fund established in
14 section 5 of this 2022 Act. The board consists of:

15 “(a) The following members appointed by the Governor:

16 “(A) A policy advisor to the Governor;

17 “(B) A representative of the Department of Justice;

18 “(C) A representative of the Oregon Health Authority; and

19 “(D) A representative of the Department of Human Services;

20 “(b) The Director of the Alcohol and Drug Policy Commission or the
21 director’s designee;

22 “(c) The chairperson of the Oversight and Accountability Council
23 established in ORS 430.388 or the chairperson’s designee;

24 “(d) The following members appointed by the Governor from a list
25 of candidates provided by the Association of Oregon Counties and the
26 League of Oregon Cities or the successor organizations to the Associ-
27 ation of Oregon Counties and the League of Oregon Cities:

28 “(A) An individual representing Clackamas, Washington or
29 Multnomah county;

30 “(B) An individual representing Clatsop, Columbia, Coos, Curry,

1 **Jackson, Josephine, Lane or Yamhill county;**
2 **“(C) An individual representing the city of Portland;**
3 **“(D) An individual representing a city with a population above**
4 **10,000 residents as of July 21, 2021;**
5 **“(E) An individual representing a city with a population at or below**
6 **10,000 residents as of July 21, 2021; and**
7 **“(F) A representative of the Oregon Coalition of Local Health Offi-**
8 **cial or its successor organization;**
9 **“(e) The following members appointed by the Governor from a list**
10 **of candidates provided by the members described in paragraphs (a) to**
11 **(d) of this subsection:**
12 **“(A) A representative of a community mental health program;**
13 **“(B) An individual who has experienced a substance use disorder**
14 **or a representative of an organization that advocates on behalf of in-**
15 **dividuals with substance use disorders;**
16 **“(C) An individual representing law enforcement, first responders**
17 **or jail commanders or wardens;**
18 **“(f) A member of the House of Representatives appointed by the**
19 **Speaker of the House of Representatives, who shall be a nonvoting**
20 **member of the board;**
21 **“(g) A member of the Senate appointed by the President of the**
22 **Senate, who shall be a nonvoting member of the board; and**
23 **“(h) The State Court Administrator or the administrator’s designee,**
24 **who shall be a nonvoting member of the board.**
25 **“(2) The Governor shall select from the members described in sub-**
26 **sections (1)(a), (b) and (c) of this section one cochairperson to repre-**
27 **sent state entities, and the members described in subsection (1)(d) of**
28 **this section shall select from one of their members a cochairperson to**
29 **represent cities or counties.**
30 **“(3) The term of each member of the board who is not an ex officio**

1 member is four years, but a member serves at the pleasure of the ap-
2 pointing authority. Before the expiration of a member's term, the ap-
3 pointing authority shall appoint a successor whose term begins on
4 January 1 next following. A member is eligible for reappointment. If
5 there is a vacancy for any cause, the appointing authority shall make
6 an appointment to become immediately effective for the unexpired
7 term.

8 “(4) Decision-making by the board shall be based on consensus and
9 supported by at least a majority of the members. The board shall
10 document all objections to board decisions.

11 “(5) The board shall conduct at least four public meetings in ac-
12 cordance with ORS 192.610 to 192.690, which shall be publicized to fa-
13 cilitate attendance at the meetings and during which the board shall
14 receive testimony and input from the community. The board shall also
15 establish a process for the public to provide written comments and
16 proposals at each meeting of the board.

17 “(6) In determining the allocation of moneys from the Opioid
18 Settlement Prevention, Treatment and Recovery Fund:

19 “(a) No more than five percent of the moneys may be spent on ad-
20 ministering the board and the fund.

21 “(b) A portion of the moneys shall be allocated toward a unified and
22 evidence-based state system for collecting, analyzing and publishing
23 data about the availability and efficacy of substance use prevention,
24 treatment and recovery services statewide.

25 “(c) Moneys remaining after allocations in accordance with para-
26 graphs (a) and (b) of this subsection shall be allocated for funding
27 statewide and regional programs identified in the Distributor Settle-
28 ment Agreement, the Janssen Settlement Agreement and any other
29 judgment or settlement described in section 5 (1)(c) of this 2022 Act,
30 including but not limited to:

1 “(A) Programs that use evidence-based or evidence-informed strat-
2 egies to treat opioid use disorders and any co-occurring substance use
3 disorders or mental health conditions;

4 “(B) Programs that use evidence-based or evidence-informed strat-
5 egies to support individuals in recovery from opioid use disorders and
6 any co-occurring substance use disorders or mental health conditions;

7 “(C) Programs that use evidence-based or evidence-informed strat-
8 egies to provide connections to care for individuals who have or are
9 at risk of developing opioid use disorders and any co-occurring sub-
10 stance use disorders or mental health conditions;

11 “(D) Programs that use evidence-based or evidence-informed strat-
12 egies to address the needs of individuals with opioid use disorders and
13 any co-occurring substance use disorders or mental health conditions
14 and who are involved in, at risk of becoming involved in, or in tran-
15 sition from, the criminal justice system;

16 “(E) Programs that use evidence-based or evidence-informed strat-
17 egies to address the needs of pregnant or parenting women with opioid
18 use disorders and any co-occurring substance use disorders or mental
19 health conditions, and the needs of their families, including babies
20 with neonatal abstinence syndrome;

21 “(F) Programs that use evidence-based or evidence-informed strat-
22 egies to support efforts to prevent over-prescribing of opioids and en-
23 sure appropriate prescribing and dispensing of opioids;

24 “(G) Programs that use evidence-based or evidence-informed strat-
25 egies to support efforts to discourage or prevent misuse of opioids;

26 “(H) Programs that use evidence-based or evidence-informed strat-
27 egies to support efforts to prevent or reduce overdose deaths or other
28 opioid-related harms;

29 “(I) Programs to educate law enforcement or other first responders
30 regarding appropriate practices and precautions when dealing with

1 users of fentanyl or other opioids;

2 “(J) Programs to provide wellness and support services for first
3 responders and others who experience secondary trauma associated
4 with opioid-related emergency events;

5 “(K) Programs to support efforts to provide leadership, planning,
6 coordination, facilitation, training and technical assistance to abate
7 the opioid epidemic through activities, programs or strategies; or

8 “(L) Funding to support opioid abatement research.

9 “(d) The board shall be guided and informed by:

10 “(A) The comprehensive addiction, prevention, treatment and re-
11 covery plan developed by the Alcohol and Drug Policy Commission in
12 accordance with ORS 430.223;

13 “(B) The board’s ongoing evaluation of the efficacy of the funding
14 allocations;

15 “(C) Evidence-based and evidence-informed strategies and best
16 practices;

17 “(D) Input the board receives from the public;

18 “(E) Equity considerations for underserved populations; and

19 “(F) The terms of the settlement agreements.

20 “(7) The Oregon Health Authority shall provide staff support to the
21 board.

22 “SECTION 7. Notwithstanding the term of office specified by sec-
23 tion 6 of this 2022 Act, of the members first appointed by the Governor
24 to the Opioid Settlement Prevention, Treatment and Recovery Board:

25 “(1) Four shall serve for terms ending January 2, 2024;

26 “(2) Four shall serve for terms ending January 2, 2025; and

27 “(3) Five shall serve for terms ending January 2, 2026.

28 “SECTION 8. Sections 4 to 7 of this 2022 Act are repealed on Janu-
29 ary 2, 2040.”.

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