I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
204-36 (LS) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.	Amanda L. Shelton Telena Cruz Nelson Tina Rose Muña Barnes Mary Camacho Torres Clynton E. Ridgell James C. Moylan Joe S. San Agustin Jose "Pedo" Terlaje Christopher M. Dueñas	AN ACT TO *ADD* NEW ARTICLE 16 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE *"OPIOID RECOVERY ADVISORY COUNCIL"*; TO BE KNOWN AS THE *"OPIOID PREVENTION AND TREATMENT ACT."*	9/27/21 1:23 p.m.	10/1/21	Committee on General Government Operations, Appropriations, and Housing	10/11/21 2:00 p.m.	11/12/21 4:47 p.m. As amended by the Committee on General Government Operations, Appropriations, and Housing	Request: 10/5/21 10/11/21	
SESSION DATE		**TITLE**	**DATE PASSED**	**TRANSMITTED**	**DUE DATE**	**NOTES**			
12/6/21		AN ACT TO *ADD* A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE *"OPIOID PREVENTION AND TREATMENT ACT."*	12/15/21	12/15/21	12/27/21				

COPY

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
Thirty-Sixth Guam Legislature

December 15, 2021

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 73-36 (COR), 97-36 (LS), 106-36 (COR), 204-36 (LS), 205-36 (LS), 206-36 (LS), 210-36 (COR),** and **214-36 (COR);** and **Substitute Bill Nos. 66-36 (COR), 152-36 (COR), 179-36 (LS), and 182-36 (LS)** which were passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on December 15, 2021.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (12)

COPY

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 204-36 (LS), "AN ACT TO *ADD* A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "*OPIOID PREVENTION AND TREATMENT ACT,*"** was on the 15th day of December 2021, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 15 day of Dec, 2021, at 6:50 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:_____

Public Law No._____

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 204-36 (LS)
As amended by the Committee on General Government Operations, Appropriations and Housing; and further amended in the Committee of the Whole.

Introduced by:

Amanda L. Shelton
Telena Cruz Nelson
Tina Rose Muña Barnes
Mary Camacho Torres
Clynton E. Ridgell
James C. Moylan
Joe S. San Agustin
Jose "Pedo" Terlaje
Christopher M. Dueñas
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *ADD* A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE *"OPIOID PREVENTION AND TREATMENT ACT."*

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that states, state subdivisions, and territories have filed suit against entities that manufactured, sold, distributed, dispensed, or promoted opioid use for unlawful business practices that have contributed to the opioid epidemic in the United States. Nearly four thousand (4,000) claims have been filed in federal and state courts by states, local governments, and territories across the country against several defendants, including notable companies such as Purdue Pharma LP; Johnson & Johnson; and the three (3) largest pharmaceutical distributors in the United States, namely Cardinal Health, McKesson, and AmerisourceBergen. Plaintiffs seek punitive damages and recovery of costs associated with the treatment, prevention, prosecution, and detection of opioid use.

I Liheslatura further finds that attorneys general across the country have led successful efforts to organize this extensive multi-district litigation. As a result of these efforts, national opioid settlements will total approximately Twenty-six Billion Dollars ($26,000,000,000). Through the Office of the Attorney General of Guam, Guam has been represented and actively participated in litigation and settlement discussions. As a result of this work, Guam anticipates receiving upwards of Ten Million Dollars ($10,000,000), the largest non-tobacco settlement the island has ever received, to be spent on the treatment and prevention of opioid abuse and co-occurring substance abuse disorders or mental health conditions.

I Liheslatura further finds that in 2019, Guam's Attorney General sued Purdue Pharmaceuticals, the manufacturer of OxyContin, claiming that between the years 2015 and 2019, over ninety-seven thousand eight hundred twenty-one (97,821) opioid prescriptions were issued, and from 2018 to the time of the complaint, over two hundred (200) doses of Naloxone, a medication used to reverse opioid overdoses, were administered. The claim further states that Purdue Pharma used

deceptive marketing by knowingly misrepresenting to the medical community and patients that opioids were safe, actions partly creating and fueling the opioid epidemic on Guam.

I Liheslatura further finds that to ensure that Guam is better able to effectively prevent and reduce opioid addiction, reduce overdose deaths, and mitigate the problems arising as a result of the opioid epidemic, it is both reasonable and necessary to create a trust fund, dedicate monies to the fund, and establish an advisory council to determine spending strategy.

Therefore, it is the intent of *I Liheslaturan Guåhan* to add a new Article 17 to Chapter 22 of Title 5, Guam Code Annotated, to (1) establish the Opioid Recovery Trust Fund (Fund) to receive all monies obtained through opioid litigation; (2) dedicate the monies deposited in the Fund for use in facilitating and expanding Guam's substance use disorder prevention and treatment efforts in line with relevant judgments, court orders, agreements, etc.; and (3) establish an Opioid Recovery Advisory Council to set a spending strategy based on identifiable needs and to consult and advise on adaptations to said strategy based on changing community needs.

Section 2. A new Article 17 is hereby *added* to Chapter 22 of Title 5, Guam Code Annotated, to read:

"ARTICLE 17

OPIOID PREVENTION AND TREATMENT ACT

§ 221701. Title and Purpose.

§ 221702. Opioid Recovery Trust Fund.

§ 221703. Eligible Expenditures.

§ 221704. Opioid Recovery Advisory Council.

§ 221705. Reporting Requirements.

§ 221706. Designation of OAG as Single Agency.

§ 221707. Annual Audit.

§ 221708. Submission of Spending Plan.

§ 221701. Title and Purpose.

This Act shall be known as the "*Opioid Prevention and Treatment Act.*" The purpose of this Act is to provide for the use of dedicated revenue for treatment and prevention of opioid use disorder and co-occurring disorders.

§ 221702. Opioid Recovery Trust Fund.

(a) There is hereby created the Opioid Recovery Trust Fund (Fund), which shall be maintained separate and apart from any other funds of the Government of Guam, including the General Fund. The Fund shall be a continuing fund; amounts credited to the Fund shall not be subject to further appropriation and monies remaining in the Fund at the end of a fiscal year shall not be transferred to the General Fund. The Fund shall not be subject to any transfer authority of *I Maga'hågan Guåhan.*

(b) The Fund shall include all money, payments, or other things of value in the nature of civil damages or other payment, except criminal penalties, received on behalf of Guam by the Office of the Attorney General (OAG) of Guam relating to the manufacturing, marketing, distributing, promoting, or dispensing of opioids, whether such is received by way of verdict, judgment, compromise, or settlement in or out of court, of any case or controversy. The Fund shall also include any interest earned on such amounts.

(c) Monies in the Fund shall be used to supplement and not supplant or replace any other funds, including federal or local funding, which would otherwise have been expended for substance use disorder prevention, treatment, recovery or harm reduction services or programs. Further, general operating funds or baseline funding shall not be reduced due to monies expended from the Fund.

(d) The Office of the Attorney General shall promptly remit all money, payments, or other things of value to the Treasurer of Guam for credit to the Fund.

(e) The Office of the Attorney General, in consultation with the Opioid Recovery Advisory Council established by this Act, shall administer the Fund.

(f) In administering the Fund, the Office of the Attorney General may establish internal accounts to segregate funds received from different judgments or settlement agreements to the extent that different judgments or settlement agreements direct specific allocation of expenditures.

§ 221703. Eligible Expenditures.

(a) Monies in the Fund shall be expended to mitigate the impacts of the opioid epidemic on Guam, including, but not limited to, expanding access to opioid use disorder prevention, intervention, treatment, and recovery options. Monies in the Fund may be expended to support reasonable costs associated with the administration of the Fund, including to offset the costs of legal and administrative burdens imposed upon the Attorney General's Office, which shall not exceed ten percent (10%) of the total annual deposits into the Fund.

(b) Any funds appropriated, expended, or distributed from the Opioid Recovery Trust Fund shall be spent in accordance with the terms of any verdict, judgment, compromise, or settlement in or out of court, of any case or controversy brought pursuant to the Deceptive Trade Practices - Consumer Protection Act or any other law relating to the manufacturing, marketing, distributing, promoting, or dispensing of opioids.

§ 221704. Opioid Recovery Advisory Council.

(a) There shall be an Opioid Recovery Advisory Council (Council) established to determine the allocation or expenditures of the Fund.

(b) The Council shall consist of the following eleven (11) members, which shall include nine (9) voting members, one (1) non-voting member, and one (1) non-voting member chairperson:

(1) the Attorney General, or designee, shall serve as the non-voting chairperson;

(2) the Director, or designee, of the Guam Behavioral Health and Wellness Center;

(3) the Director, or designee, of the Department of Public Health and Social Services;

(4) the Administrator of the Courts, or designee, of the Judiciary of Guam, who shall serve as a non-voting member;

(5) the Administrator, or designee, of the Guam Memorial Hospital Authority;

(6) one (1) member appointed by *I Maga'hågan Guåhan,* who is qualified by experience with opioid use disorder, either first-hand or as a family member of an individual with opioid use disorder;

(7) one (1) member appointed by *I Maga'hågan Guåhan,* who is qualified by experience with working as or with direct service providers or non-profit organizations;

(8) one (1) member appointed by the Speaker of *I Liheslaturan Guåhan*;

(9) one (1) member appointed by the Minority Leader of *I Liheslaturan Guåhan*;

(10) one (1) member appointed by the Mayors Council of Guam, who is qualified by experience with opioid use disorder, either first-hand or as a family member of an individual with opioid use disorder; and

(11) the Executive Director, or designee, of the Public Defender Service Corporation.

(c) In making appointments, appointing authorities shall consider having racially and socioeconomically diverse representation on the Council.

(d) A majority of voting members shall constitute a quorum. Determinations shall be made upon a majority vote.

(e) The Council shall hold no fewer than two (2) meetings annually, subject to the provisions of 5 GCA Chapter 8 - *the Open Government Law of Guam.*

(f) Council members shall serve for terms of three (3) years, and any member shall be eligible for reappointment. In the event of a vacancy, the original appointing authority shall appoint a new member to fulfill the remainder of the unexpired term. Any member who is appointed may be removed by the appointing authority upon written notice to the chairperson.

(g) Council members shall serve without compensation.

(h) In making determinations for expenditures of the Fund, Council members shall consider programs, including, but not limited to, those:

(1) to prevent substance use disorders through an evidence-based youth-focused public health education and prevention campaign, including school-based prevention and health care services and programs to reduce the risk of substance use by school-aged children;

(2) to develop and implement public education campaigns to reduce stigma against individuals with a substance use disorder, provide information about the risks of substance use, best practices for addressing substance use disorders, and information on how to locate services that reduce the adverse health consequences associated with substance use disorders or provide treatment for substance use disorders;

(3) to provide substance use disorder treatment and early recovery programs for youth and adults, with an emphasis on programs that provide a continuum of care that includes screening and assessment for substance use disorders and co-occurring disorders, active treatment, family involvement, case management, relapse management for substance use and other co-occurring behavioral health disorders, vocational services, literacy services, parenting classes, family therapy and counseling services, crisis services, recovery services, evidence-based treatments, medication-assisted treatments, including medication assisted treatment provided in correctional facilities, psychiatric medication, psychotherapy, and transitional services programs;

(4) to provide harm reduction counseling and services to reduce the adverse health consequences associated with substance use disorders, including overdose prevention and prevention of communicable diseases related to substance use, provided by a substance use disorder service provider or qualified community-based organization;

(5) to provide housing services for people who are recovering from a substance use disorder. Such housing services shall be appropriate, based on the individual's current need and stage of recovery. Such housing services may include, but are not limited to, supportive housing services;

(6) to support community-based or diversion programs that reduce the likelihood of criminal justice involvement for individuals who have or are at risk of having a substance use disorder;

(7) to provide programs for pregnant women and new parents who currently or formerly have had a substance use disorder, and newborns with neonatal abstinence syndrome; and

(8) to provide vocational and educational training for individuals with, or at risk for, a substance use disorder.

§ 221705. Reporting Requirements.

Annually, no later than October 31, the Office of the Attorney General shall submit a report on the activity, revenue, and expenditures to and from the Fund to *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan*. The report shall also be posted on the OAG website. The report shall include, but not be limited to:

(a) the revenue credited to the Fund;

(b) the amount of expenditures attributable to the administrative costs of administering the Fund, including administrative support to the OAG and the Council;

(c) an itemized list of expenditures; and

(d) data and an assessment of the effectiveness of activities funded.

§ 221706. Designation of OAG as Single Agency.

The Office of the Attorney General is designated as the single agency for Guam relative to bringing claims against entities for manufacturing, marketing, distributing, promoting, or dispensing of opioids pursuant to Guam law, including, but not limited to, the Deceptive Trade Practices - Consumer Protection Act.

§ 221707. Annual Audit.

The Office of Public Accountability (OPA) shall perform an annual audit of the Opioid Recovery Trust Fund and the compliance of the Opioid Recovery Advisory Council with the expenditure of such funds within the Fund in accordance with the administration and exclusive purposes of this Article. Said audit shall include, but is not limited to, the revenues of the Fund and the expenditures from the Fund. The OPA shall prepare and provide a written report of compliance to *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than seventy-five (75) days after the end of the fiscal year.

§ 221708. Submission of Spending Plan.

The Opioid Recovery Advisory Council shall submit a detailed spending plan for the Opioid Recovery Trust Fund for Fiscal Years 2022 and 2023, to the Speaker of *I Liheslaturan Guåhan* no later than August 1, 2022. The Opioid Recovery Advisory Council shall submit annually, a detailed spending plan for the Opioid Recovery Trust Fund for every subsequent fiscal year to the Speaker of *I Liheslaturan Guåhan* no later than August 1st of each year."

Section 3. Effective Date. This Act shall be effective upon enactment.