

HB 1565-FN - AS INTRODUCED

2022 SESSION

22-2060

05/04

HOUSE BILL

1565-FN

AN ACT

relative to the opioid abatement trust fund.

SPONSORS:

Rep. Aron, Sull. 7; Rep. Rollins, Sull. 6; Rep. Stapleton, Sull. 5; Rep. Acton, Rock. 10; Rep. M. Pearson, Rock. 34; Rep. Depalma IV, Graf. 1; Rep. Massimilla, Graf. 1

COMMITTEE:

Ways and Means

ANALYSIS

This bill revises the distribution formula for the opioid abatement trust fund and clarifies the annual reporting process for the fund.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the opioid abatement trust fund.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Opioid Abatement Trust Fund. RSA 126-A:83, II is repealed and reenacted to read as follows:

2 II. Prior to any deposit in the consumer escrow account or the opioid abatement trust fund,
3 the treasurer shall distribute funds to the counties and political subdivisions that filed lawsuits, on
4 or before September 1, 2019, against opioid manufacturers, distributors and other persons identified
5 as defendants in the multi-district opioid litigation pending in the federal district court for the
6 northern district of Ohio according to the formula described below. This distribution shall occur on
7 an annual basis. The distribution of funds shall be based on the 2020 census population of each
8 qualifying county and political subdivision multiplied by the amount of the settlement multiplied by
9 an allocation factor of 40 percent.

10 2 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA 126-
11 A:84, II(a) to read as follows:

12 (a) ~~[Fifteen percent of the funds]~~ Each year, ***not later than January 15, any***
13 ***outstanding balance in the trust fund*** shall be distributed to the counties and political
14 subdivisions as identified in RSA 126-A:83, II.

15 3 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA 126-
16 A:84, IV to read as follows:

17 IV. ***Annually***, on or before September 1, ~~[2020,]~~ each county, city, town or program that
18 receives funds under paragraph II shall ~~[annually]~~ provide to the department of health and human
19 services and the opioid abatement advisory commission a detailed account of all monies spent on
20 approved uses, including, but limited to, an analysis and evaluation of the projects and programs it
21 has funded.

22 4 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA 126-
23 A:84, VI to read as follows:

24 VI. ***Annually***, on or before November 1, ~~[2020,]~~ the commissioner of the department of
25 health and human services shall submit an annual report to the governor and fiscal committee of the
26 general court detailing the activities of the advisory commission, the administration of the opioid
27 abatement trust fund, the amount distributed in the past year, the amount remaining in the trust
28 fund, a summary of how funds were used in the past year, and any recommendations for future
29 legislation.

30 5 Effective Date. This act shall take effect upon its passage.

**HB 1565-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the opioid abatement trust fund.

FISCAL IMPACT: ☐ State ☒ County ☒ Local ☐ None

COUNTY::	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

LOCAL:

Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill increases from 15 percent to 40 percent the amount of any opioid settlement funds that are distributed to the counties and political subdivisions that filed lawsuits against opioid manufacturers on or before September 1, 2019. The New Hampshire Municipal Association (NHMA) states that under current law, 85 percent of such funds are placed into the opioid abatement trust fund and distributed pursuant to RSA 126-A:84. Each year, the fund is drawn down by 15 percent, with those funds distributed to political subdivisions as noted above. The remainder may be distributed as grants to other political subdivisions and qualifying non-governmental programs. By raising the distribution from 15 percent to 40 percent, the bill's apparent intent is to place the remaining 60 percent into the trust fund, but the NHMA notes that ambiguities in the revised distribution formula might result in other outcomes. Specifically, the bill requires that no later than January 15th of each year, the outstanding balance in the fund shall be distributed to the 23 political subdivisions that filed lawsuits. The NHMA notes that hypothetically, any settlements funds that came in on January 14th would be entirely redistributed to the 23 political subdivisions that filed lawsuits, with none left over for the other subdivisions or non-governmental programs. The NHMA acknowledges that this outcome is unlikely, but nonetheless possible. The total fiscal impact on counties and municipalities is therefore indeterminable. It is assumed that there would be no impact on state expenditures, only on the distribution of such expenditures to localities and non-governmental organizations. For informational purposes, the NHMA notes that as of December 2021, the state has entered into one settlement totaling \$2.7 million.

AGENCIES CONTACTED:

New Hampshire Municipal Association and Department of Health and Human Services