

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1124**

FINAL READING

Introduced by Howard, 9; Lindstrom, 18.

Read first time January 22, 2020

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to adopt the
- 2 Opioid Prevention and Treatment Act.
- 3 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 6 of this act shall be known and may be  
2 cited as the Opioid Prevention and Treatment Act.

3           Sec. 2. The purpose of the Opioid Prevention and Treatment Act is  
4 to provide for the use of dedicated revenue for opioid-disorder-related  
5 treatment and prevention.

6           Sec. 3. The Legislature finds that:

7           (1) There is an opioid epidemic occurring in the United States, and  
8 Nebraska has been impacted;

9           (2) Many states are recovering funds for the management of opioid  
10 addiction within their borders;

11           (3) Coordination surrounding and managing opioid addiction and  
12 related disorders is critical to the health and safety of all Nebraskans;

13           (4) Funding for prevention and treatment of opioid addiction and  
14 related disorders, including those that are co-occurring with other  
15 mental health and substance use disorders, is needed in Nebraska;

16           (5) Law enforcement agencies in the State of Nebraska are dealing  
17 with the effects of the opioid epidemic daily and are in need of  
18 resources for training, education, and interdiction;

19           (6) There is a need to enhance the network of professionals who  
20 provide treatment for opioid addiction and related disorders, including  
21 co-occurring mental health disorders and other co-occurring substance use  
22 disorders;

23           (7) There is a need for education of medical professionals,  
24 including training on proper prescription practices and best practices  
25 for tapering patients off of prescribed opioids for medical use;

26           (8) Incarcerated individuals in the Nebraska correctional system and  
27 other vulnerable populations with opioid use disorder need access to  
28 resources that will help address addiction; and

29           (9) The health and safety of all Nebraskans will be improved by the  
30 abatement of opioid addiction in the State of Nebraska.

31           Sec. 4. Any funds appropriated or distributed under the Opioid

1 Prevention and Treatment Act shall not be considered ongoing entitlements  
2 or an obligation on the part of the State of Nebraska. Any funds  
3 appropriated or distributed under the act shall be spent in accordance  
4 with the terms of any verdict, judgment, compromise, or settlement in or  
5 out of court, of any case or controversy brought by the Attorney General  
6 pursuant to the Consumer Protection Act or the Uniform Deceptive Trade  
7 Practices Act.

8       Sec. 5. The Department of Health and Human Services shall report  
9 annually on or before December 15 to the Legislature, the Governor, and  
10 the Attorney General regarding the use of funds appropriated under the  
11 Opioid Prevention and Treatment Act and the outcomes achieved from such  
12 use. The reports submitted to the Legislature shall be submitted  
13 electronically.

14       Sec. 6. (1) The Nebraska Opioid Recovery Fund is created. The fund  
15 shall include all recoveries received on behalf of the state by the  
16 Department of Justice pursuant to the Consumer Protection Act or the  
17 Uniform Deceptive Trade Practices Act related to the advertising of  
18 opioids. The fund shall include any money, payments, or other things of  
19 value in the nature of civil damages or other payment, except criminal  
20 penalties, whether such recovery is by way of verdict, judgment,  
21 compromise, or settlement in or out of court, of any case or controversy  
22 pursuant to such acts. The Department of Justice shall remit any such  
23 revenue to the State Treasurer for credit to the Nebraska Opioid Recovery  
24 Fund.

25       (2) Any funds appropriated, expended, or distributed from the  
26 Nebraska Opioid Recovery Fund shall be spent in accordance with the terms  
27 of any verdict, judgment, compromise, or settlement in or out of court,  
28 of any case or controversy brought by the Attorney General pursuant to  
29 the Consumer Protection Act or the Uniform Deceptive Trade Practices Act.

30       (3) The fund shall exclude funds held in a trust capacity where  
31 specific benefits accrue to specific individuals, organizations,

1 political subdivisions, or governments. Such excluded funds shall be  
2 deposited in the State Settlement Trust Fund pursuant to section  
3 59-1608.05.

4 (4) Any money in the Nebraska Opioid Recovery Fund available for  
5 investment shall be invested by the state investment officer pursuant to  
6 the Nebraska Capital Expansion Act and the Nebraska State Funds  
7 Investment Act.