

# SENATE, No. 783

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 18, 2022

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator JAMES BEACH**

**District 6 (Burlington and Camden)**

**Co-Sponsored by:**

**Senator Singer**

**SYNOPSIS**

Establishes Opioid Recovery and Remediation Fund and Opioid Recovery and Remediation Fund Advisory Council; provides for funds received from opioid settlements to support substance use disorder prevention and treatment programs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/3/2022)**

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1 AN ACT concerning the dedication and distribution of funds  
2 received from opioid settlements and supplementing Title 26 of  
3 the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. There is created in the Department of the Treasury a  
9 dedicated, non-lapsing fund to be known as the “Opioid Recovery  
10 and Remediation Fund.”

11 b. The State Treasurer shall deposit into the fund any moneys  
12 that are allocated to or otherwise received by the State as a result of  
13 a settlement agreement entered into with, or litigation undertaken  
14 against, opioid manufacturers and distributors related to claims  
15 arising from the manufacture, marketing, distribution, or dispensing  
16 of opioids. Any interest and other income earned on moneys in the  
17 fund, and any other moneys that may be appropriated or otherwise  
18 become available for the purposes of the fund, shall be credited to  
19 and deposited in the fund.

20 c. (1) Moneys in the fund shall be dedicated and used only for  
21 the purposes of supplementing substance use disorder prevention  
22 and treatment programs and services in the State, consistent with  
23 the terms of settlements made in connection with claims arising  
24 from the manufacture, marketing, distribution or dispensing of  
25 opioids, as applicable.

26 (2) The Legislature shall annually appropriate moneys from the  
27 fund to the Department of Human Services, which shall allocate the  
28 appropriated funds in consultation with the Opioid Recovery and  
29 Remediation Fund Advisory Council established pursuant to section  
30 2 of this act. The department shall allocate funds with an emphasis  
31 on supporting programs that are culturally and gender competent,  
32 trauma-informed, and evidence-based, and, where appropriate,  
33 employing individuals with lived experience as part of the services  
34 provided. Services to be supported from the fund shall include, but  
35 shall not be limited to, programs to:

36 (a) prevent substance use disorder through a youth-focused  
37 public health education and prevention campaign, including school-  
38 based prevention, early intervention, and health care services and  
39 programs to reduce the risk of substance use by school-aged  
40 children;

41 (b) develop and implement Statewide public education  
42 campaigns to: reduce stigma against individuals who use drugs;  
43 provide information about the risks of substance use; provide best  
44 practices for addressing substance use disorders; and provide  
45 information on how to locate services that reduce the adverse health  
46 consequences associated with drug use or provide treatment for  
47 substance use disorders;

1 (c) minimize and eliminate the root causes of health disparities  
2 that contribute to the use of drugs and inequities in the treatment of  
3 substance use disorder among minority communities;

4 (d) support the State's efforts to divert high-risk individuals  
5 from arrest and incarceration through programs with strong case  
6 management and harm reduction services that link participants to  
7 community-based services, as well as referrals to promote health and  
8 understanding for people who use drugs; and

9 (e) establish systems and tools that expand the State's capacity  
10 to collect data and evaluate policies, programs, and strategies  
11 designed to address substance use disorders.

12

13 2. a. There is established in, but not of, the Department of  
14 Human Services, the Opioid Recovery and Remediation Fund  
15 Advisory Council. The council shall provide the Department of  
16 Human Services with recommendations on the allocation of funds  
17 appropriated to the department from the Opioid Recovery and  
18 Remediation Fund, as well as any policy modifications necessary to  
19 maximize the use of those funds on a State and local level. To  
20 effectuate this goal, the council shall:

21 (1) gather and evaluate State data regarding substance use  
22 disorder prevention and treatment programs and services in order to  
23 determine which populations are not reached by current  
24 interventions, as well as which geographic areas of the State have  
25 programmatic gaps in addressing substance use disorder; and

26 (2) solicit feedback, in a manner and method established by the  
27 council, from stakeholders, local providers, and advocates regarding  
28 the services needed to prevent and treat substance use disorder  
29 across the State.

30 b. The council shall consist of 13 members, as follows:

31 (1) the Commissioner of Human Services, the Commissioner of  
32 Health, and the Attorney General, or their designees, who shall  
33 serve ex-officio;

34 (2) four public members appointed by the Governor, of whom  
35 one shall possess expertise in substance use disorder treatment, one  
36 shall possess expertise in harm reduction, one shall possess  
37 expertise in criminal justice, and one shall possess expertise in drug  
38 policy;

39 (3) three public members to be appointed by the President of the  
40 Senate, of whom one shall possess expertise in substance use  
41 disorder treatment, one shall possess expertise in behavioral health,  
42 and one shall possess personal experience with substance use and  
43 addiction issues; and

44 (4) three public members appointed by the Speaker of the  
45 Assembly, of whom one shall possess expertise in substance use  
46 disorder treatment, one shall possess expertise in behavioral health,  
47 and one shall possess personal experience with substance use and  
48 addiction issues.

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1 c. All appointments to the council shall be made no later than  
2 the 60th day after the effective date of this act. Each appointed  
3 member shall serve a two-year term, with any vacancies in the  
4 membership of the council being filled in the same manner as the  
5 original appointments.

6 d. The council shall organize as soon as practicable following  
7 the appointment of its members. Upon its organization, the council  
8 shall select a chairperson from among its members. The members  
9 shall also select a secretary who need not be a member of the council.  
10 The council may hold meetings at the times and places it may  
11 designate. A majority of the authorized membership shall  
12 constitute a quorum. The council may conduct business without a  
13 quorum, but shall only vote on a recommendation when a quorum is  
14 present. The members of the council shall serve without  
15 compensation, but shall be eligible for reimbursement for necessary  
16 and reasonable expenses incurred in the performance of their  
17 official duties within the limits of funds appropriated or otherwise  
18 made available to the council for its purposes.

19 e. The council shall be entitled to receive assistance and  
20 services from any State, county, or municipal department, board,  
21 commission, or agency as may be made available to it for its  
22 purposes. The Department of Human Services shall provide such staff  
23 and administrative support to the council as it requires to carry out its  
24 responsibilities.

25  
26 3. No later than 12 months after the effective date of this act,  
27 and annually thereafter, the Department of Human Services, in  
28 consultation with the Opioid Recovery and Remediation Fund  
29 Advisory Council, shall report to the Governor, and to the  
30 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
31 on the details of the allocations made with the funds appropriated  
32 from the Opioid Recovery and Remediation Fund. The information  
33 shall include the allocation amount, program description, involved  
34 community providers, goals of the program, and outcome measures  
35 to be used to determine program efficacy. The department shall  
36 also post this information on its Internet website.

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38 4. This act shall take effect immediately.

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41 STATEMENT

42  
43 This bill establishes the Opioid Recovery and Remediation Fund  
44 and the Opioid Recovery and Remediation Fund Advisory Council,  
45 thereby providing a framework for the use of funds received from  
46 opioid settlements between the State and various parties.

47 Specifically, the bill establishes, in the Department of the  
48 Treasury, a dedicated, non-lapsing fund to be known as the "Opioid

1 Recovery and Remediation Fund.” The State Treasurer is to deposit  
2 into the fund any moneys that are allocated to or otherwise received  
3 by the State as a result of a settlement agreement entered into with,  
4 or litigation undertaken against, opioid manufacturers and  
5 distributors related to claims arising from the manufacture,  
6 marketing, distribution or dispensing of opioids. Any interest and  
7 other income earned on moneys in the fund, and any other moneys  
8 that may be appropriated or otherwise become available for the  
9 purposes of the fund, are to be credited to and deposited in the fund.

10 The bill requires that the moneys in the fund are to be dedicated  
11 and used only for the purposes of supplementing substance use  
12 disorder prevention and treatment programs and services in the  
13 State, consistent with the terms of settlements made in connection  
14 with claims arising from the manufacture, marketing, distribution,  
15 or dispensing of opioids, as applicable.

16 The Legislature is to annually appropriate moneys from the fund  
17 to the Department of Human Services (DHS). The DHS must then  
18 allocate the appropriated funds in consultation with the Opioid  
19 Recovery and Remediation Fund Advisory Council established  
20 under the bill, with an emphasis on supporting programs that are  
21 culturally and gender competent, trauma-informed, and evidence-  
22 based and, where appropriate, employing individuals with lived  
23 experience as part of the services provided. Services to be  
24 supported from the fund are to include, but are not be limited to,  
25 programs to:

26 1) prevent substance use disorder through a youth-focused  
27 public health education and prevention campaign, including school-  
28 based prevention, early intervention, and health care services and  
29 programs to reduce the risk of substance use by school-aged  
30 children;

31 2) develop and implement Statewide public education  
32 campaigns to reduce stigma against individuals who use drugs,  
33 provide information about the risks of substance use, provide best  
34 practices for addressing substance use disorders, and provide  
35 information on how to locate services that reduce the adverse health  
36 consequences associated with drug use or provide treatment for  
37 substance use disorders;

38 3) minimize and eliminate the root causes of health disparities  
39 that contribute to the use of drugs and inequities in the treatment of  
40 substance use disorders among minority communities;

41 4) support the State’s efforts to divert high-risk individuals  
42 from arrest and incarceration through programs with strong case  
43 management and harm reduction services that link participants to  
44 community-based services, as well as referrals to promote health and  
45 understanding for people who use drugs; and

46 5) establish systems and tools that expand the State’s capacity  
47 to collect data and evaluate policies, programs, and strategies  
48 designed to address substance use disorders.

1 Furthermore, the bill establishes in, but not of, the DHS the  
2 Opioid Recovery and Remediation Fund Advisory Council, to  
3 provide the DHS with recommendations on the allocation of funds  
4 appropriated to the DHS from the Opioid Recovery and  
5 Remediation Fund, as well as any policy modifications necessary to  
6 maximize the use of those funds on a State and local level. To  
7 effectuate this goal, the bill directs the council to:

8 1) gather and evaluate State data regarding substance use  
9 disorder prevention and treatment programs and services in order to  
10 determine which populations are not reached by current  
11 interventions, as well as which geographic areas of the State have  
12 programmatic gaps in addressing substance use disorder; and

13 2) solicit feedback, in a manner and method established by the  
14 council, from stakeholders, local providers, and advocates regarding  
15 the services needed to prevent and treat substance use disorder  
16 across the State.

17 The council will consist of 13 members, including the  
18 Commissioner of Human Services, the Commissioner of Health,  
19 and the Attorney General, or their designees, who will serve ex-  
20 officio; and 10 public members, with four appointed by the  
21 Governor and three each appointed by the Senate President and the  
22 Speaker of the General Assembly. The public members will be  
23 required to possess various expertise in substance use disorder  
24 treatment, harm reduction, criminal justice, drug policy behavioral  
25 health, and personal experience with substance use and addiction  
26 issues.

27 All appointments to the council are to be made no later than the  
28 60th day after the effective date of the bill. Each appointed member  
29 is to serve a two-year term, with any vacancies in the membership  
30 of the council being filled in the same manner as the original  
31 appointments. The members of the council will serve without  
32 compensation, but will be eligible for reimbursement for necessary  
33 and reasonable expenses incurred in the performance of their  
34 official duties, within the limits of funds made available to the  
35 council for its purposes.

36 The council is entitled to receive assistance and services from  
37 any State, county, or municipal department, board, commission, or  
38 agency as may be made available to it for its purposes. Further, the  
39 DHS is required to provide such staff and administrative support to the  
40 council as it requires to carry out its responsibilities.

41 No later than 12 months after the effective date of this act, and  
42 annually thereafter, the DHS, in consultation with the Opioid  
43 Recovery and Remediation Fund Advisory Council, is to report to  
44 the Governor and to the Legislature on the details of the allocations  
45 made with the funds appropriated from the Opioid Recovery and  
46 Remediation Fund. The information is to include the allocation  
47 amount, program description, involved community providers, goals

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- 1 of the program, and outcome measures to be used to determine
- 2 program efficacy. The DHS is also required to post this
- 3 information on its Internet website.