

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1355

Introduced by Vargas, 7; Aguilar, 35; Cavanaugh, M., 6; Dorn, 30;
Fredrickson, 20.

Read first time January 17, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Opioid Prevention and Treatment Act; to
- 2 amend sections 71-2485, 71-2486, 71-2487, 71-2488, 71-2489, and
- 3 71-2490, Revised Statutes Cumulative Supplement, 2022; to restate
- 4 findings and purpose; to change provisions relating to the Nebraska
- 5 Opioid Recovery Fund; to provide for grants; to harmonize
- 6 provisions; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-2485, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 71-2485 Sections 71-2485 to 71-2490 and sections 4 and 8 to 10 of
4 this act shall be known and may be cited as the Opioid Prevention and
5 Treatment Act.

6 Sec. 2. Section 71-2486, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 71-2486 The purpose of the Opioid Prevention and Treatment Act is to
9 provide for the use of dedicated revenue for opioid-disorder-related
10 treatment, ~~and prevention, and remediation, including the creation of aid~~
11 programs.

12 Sec. 3. Section 71-2487, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 71-2487 The Legislature finds that:

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

17 (2) The opioid epidemic in Nebraska is a serious public health
18 crisis stemming from the rapid increase in the use of prescription and
19 nonprescription opioid drugs;

20 (3) (2) Many states are recovering funds for the management of
21 opioid addiction within their borders;

22 (4) (3) Coordination surrounding and managing opioid addiction and
23 related disorders is critical to the health and safety of all Nebraskans;

24 (5) (4) Funding for prevention and treatment of opioid addiction and
25 related disorders, including those that are co-occurring with other
26 mental health and substance use disorders, is needed in Nebraska;

27 (6) (5) Law enforcement agencies in the State of Nebraska are
28 dealing with the effects of the opioid epidemic daily and are in need of
29 resources for training, education, and interdiction;

30 (7) (6) There is a need to enhance the network of professionals who
31 provide treatment for opioid addiction and related disorders, including

1 co-occurring mental health disorders and other co-occurring substance use
2 disorders;

3 (8) ~~(7)~~ There is a need for education of medical professionals,
4 including training on proper prescription practices and best practices
5 for tapering patients off of prescribed opioids for medical use;

6 (9) ~~(8)~~ Incarcerated individuals in the Nebraska correctional system
7 and other vulnerable populations with opioid use disorder need access to
8 resources that will help address addiction; and

9 (10) ~~(9)~~ The health and safety of all Nebraskans will be improved by
10 ~~the abatement of opioid~~ remediation ~~addiction~~ in the State of Nebraska.

11 Sec. 4. For purposes of the Opioid Prevention and Treatment Act:

12 (1) Department means the Department of Health and Human Services;

13 (2) Opiate or opioid means any drug or other substance having an
14 addiction-forming or addiction-sustaining liability similar to morphine
15 or being capable of conversion into a drug having such addiction-forming
16 or addiction-sustaining liability;

17 (3) Opioid epidemic means the serious public health crisis stemming
18 from the rapid increase in the use of prescription and nonprescription
19 opioid drugs; and

20 (4) Opioid remediation means care, treatment, and other programs and
21 expenditures designed to (a) address the misuse and abuse of opioid
22 products, (b) treat or mitigate opioid use or related disorders, or (c)
23 mitigate other alleged effects of the opioid epidemic, including on those
24 injured as a result of the opioid epidemic.

25 Sec. 5. Section 71-2488, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 71-2488 Any funds appropriated or distributed under the Opioid
28 Prevention and Treatment Act shall not be considered ongoing entitlements
29 or an obligation on the part of the State of Nebraska. The department's
30 administrative cost for the awarding of grants under the act shall not
31 exceed an amount equal to ten percent of the grants awarded. Any funds

1 appropriated or distributed under the act shall be spent in accordance
2 with the Opioid Prevention and Treatment Act and the terms of any
3 verdict, judgment, compromise, or settlement in or out of court, of any
4 case or controversy brought by the Attorney General pursuant to the
5 Consumer Protection Act or the Uniform Deceptive Trade Practices Act.

6 Sec. 6. Section 71-2489, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 71-2489 The ~~department~~ Department of Health and Human Services shall
9 report annually on or before December 15 to the Legislature, the
10 Governor, and the Attorney General regarding the use of funds
11 appropriated and grants awarded under the Opioid Prevention and Treatment
12 Act and the outcomes achieved from such use. The reports submitted to the
13 Legislature shall be submitted electronically.

14 Sec. 7. Section 71-2490, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 71-2490 (1) The Nebraska Opioid Recovery Fund is created. The fund
17 shall include all recoveries received on behalf of the state by the
18 Department of Justice pursuant to the Consumer Protection Act or the
19 Uniform Deceptive Trade Practices Act related to the advertising of
20 opioids. The fund shall include any money, payments, or other things of
21 value in the nature of civil damages or other payment, except criminal
22 penalties, whether such recovery is by way of verdict, judgment,
23 compromise, or settlement in or out of court, of any case or controversy
24 pursuant to such acts. The Department of Justice shall remit any such
25 revenue to the State Treasurer for credit to the Nebraska Opioid Recovery
26 Fund.

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

1 (3) The fund shall exclude funds held in a trust capacity where
2 specific benefits accrue to specific individuals, organizations,
3 political subdivisions, or governments. Such excluded funds shall be
4 deposited in the State Settlement Trust Fund pursuant to section
5 59-1608.05.

6 (4) It is the intent of the Legislature to appropriate four million
7 dollars annually from the Nebraska Opioid Recovery Fund beginning in
8 FY2024-25 for grants under the Opioid Prevention and Treatment Act.

9 (5) (4) Any money in the Nebraska Opioid Recovery Fund available for
10 investment shall be invested by the state investment officer pursuant to
11 the Nebraska Capital Expansion Act and the Nebraska State Funds
12 Investment Act.

13 Sec. 8. (1) The department shall establish a local public health
14 department aid program to provide grants to local public health
15 departments as defined in section 71-1626. A local public health
16 department may apply to the department for a grant:

17 (a) To facilitate prevention efforts, including training on the use
18 of naloxone nasal spray, clean needle sharing, and fentanyl testing
19 strips;

20 (b) For education and training activities related to opioid harm
21 remediation; and

22 (c) For data tracking efforts related to the opioid epidemic.

23 (2) The department shall award a minimum of five hundred thousand
24 dollars in grants under the local public health department aid program.
25 The department shall release the grant to the grantee within ninety days
26 after the award of the grant.

27 Sec. 9. (1) The department shall establish a law enforcement aid
28 program to provide grants to law enforcement agencies. A law enforcement
29 agency may apply to the department for a grant:

30 (a) To facilitate problem solving courts;

31 (b) For medication distribution and training activities; and

1 (c) For opioid and fentanyl first responder training.

2 (2) The department shall award a minimum of five hundred thousand
3 dollars in grants under the law enforcement aid program. The department
4 shall release the grant to the grantee within ninety days after the award
5 of the grant.

6 Sec. 10. (1) The department shall establish a health care facility
7 aid program to provide grants to health care facilities. A health care
8 facility may apply to the department for a grant for:

9 (a) Opioid treatment and response;

10 (b) Data tracking related to the opioid epidemic;

11 (c) Supporting individual recovery and rehabilitation related to the
12 opioid epidemic; and

13 (d) Opioid use prevention.

14 (2) The department shall award a minimum of five hundred thousand
15 dollars in grants under the local public health department aid program.
16 The department shall release the grant to the grantee within ninety days
17 after the award of the grant.

18 Sec. 11. Original sections 71-2485, 71-2486, 71-2487, 71-2488,
19 71-2489, and 71-2490, Revised Statutes Cumulative Supplement, 2022, are
20 repealed.