

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 21301. Opioid Settlement Fund.

- (a) Fund established. The Opioid Litigation Proceeds Fund is hereby established in the Commonwealth treasury. The Fund shall operate as a dedicated fund to be administered by the Department of Finance. Monies in the Fund shall not revert to the General Fund of the Commonwealth treasury.
- (b) Credits to Fund. There shall be credited to the Fund:
 - (1) Proceeds received by the Commonwealth in connection with legal claims made against manufacturers and distributors of prescription opioid analgesics, pharmacies that dispensed prescription opioid analgesics, and related parties, regardless of whether such proceeds are received as a lump sum or series of payments to be made over a period of time;
 - (2) Monies appropriated by or transferred to the Fund by the Legislature;
 - (3) Gifts, donations, grants, bequests, and other monies received by the Commonwealth on the Fund's behalf; and
 - (4) Any interest in monies in the Fund.
- (c) Permissible expenditures. Monies in the Fund shall be spent only for substance use disorder abatement purposes, upon the approval of the Opioid Proceeds Council (Council), and through the following entities:
 - (1) The Hinemlu O'hala Eteramenti (H.O.P.E.) Recovery Center under the Office of the Governor's Substance Abuse, Addiction, and Rehabilitation Program;
 - (2) The Substance Abuse Treatment and Recovery Clinic under the Community Guidance Center (CGC);
 - (3) The Drug Court Division of the CNMI Judiciary;
 - (4) Any non-profit that engages in substance abuse prevention; and
 - (5) The Council, provided that administration expenses shall not exceed five (5) percent of the Fund's balance on an annual basis.
- (d) Prospective use. Unless otherwise required by controlling court order to refund the federal government a portion of the Proceeds, monies in the Fund shall be used for prospective purposes and shall not be used to reimburse expenditures incurred prior to the effective date of this Act;
- (e) Disbursement. Fund disbursements shall be made by the Secretary of Finance upon the approval of the Council. The Secretary of Finance shall not make or refuse to make any disbursement allowable under this subsection without the approval of the Council. The Secretary of Finance shall adhere to the Council's decisions regarding disbursement of monies from the Fund so long as a disbursement is a permissible expenditure.

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- (f) Expenditures Supplementary. Monies expended from the Fund for the purposes set forth in this Act shall be supplemental to, and shall not supplant or take the place of, any other funds, including insurance benefits or local, state, or federal funding, that would otherwise have been expended for such purposes.
- (g) Investment. As directed by the Attorney General, the Secretary of Finance shall have the responsibility for the investment and reinvestment of monies in the Fund. On or before January 31 of each year, the Secretary of Finance shall issue a public report, free of charge and available online.

Source: PL 23-19, § 2 (April 19, 2024), modified.

Commission Comment: PL 23-19, which took effect on April 19, 2024, included a findings and purposes, as follows:

Section 1. Findings and Purposes.

The Commonwealth of the Northern Mariana Islands (CNMI) anticipates receiving substantial payments from settlement of litigation against the manufacturers and distributors of prescription opioid analgesics, pharmacies dispensing prescription opioid analgesics and related parties for alleged contributions to high rates of drug overdoses and other drug-related harms.

Using this money to address substance use disorders, overdoses, and drug-related harms will require dedication, resources, and many years. Directing opioid litigation proceeds to establish, sustain, and expand substance use abatement services for prevention, treatment, recovery, and harm reduction in the Northern Mariana Islands will represent a critically important down payment on work to be done.

This bill establishes a dedicated fund for substance abuse disorder abatement. This bill also establishes a Council to handle the award of monies to agencies that engage in substance abuse disorder abatement.

PL-19 also included a severability and savings clause.

In codifying PL 23-19, the Commission re-numbered this section under Article 12, pursuant to 1 CMC § 3806(a).