

## 2022 South Dakota Legislature

**House Bill 1038****AMENDMENT 1038D FOR THE INTRODUCED BILL**

1 **An Act to establish an opioid trust fund and to declare an emergency.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 34-20B be amended with a NEW SECTION:**

4 The opioid abatement and remediation fund is established in the state treasury.

5 Money received from the following sources may be deposited into the fund:

6 (1) Money received by the state pursuant to settlements or judgments relating to  
7 opioids;

8 ~~(2) Direct appropriations from the general fund;~~

9 ~~(3)(2) Any gifts, bequests, or donations; and~~

10 ~~(4)(3) Interest earned on money in the fund established under this section shall be~~  
11 ~~credited to the fund.~~

12 All money in the opioid abatement and remediation fund may only be used for  
13 purposes relating to opioid abuse treatment, prevention, and recovery programs and must  
14 be appropriated through the normal budget process. Expenditures of the state from the  
15 fund must be assigned to the Department of Social Services.

16

17 **Section 2.** Money received from the National Settlement Agreement involving Johnson &  
18 Johnson, AmerisourceBergen, Cardinal Health, and McKesson and a Bankruptcy Resolution  
19 concerning Purdue Pharma, L.P. entered into by the State and the Participating Local  
20 Governments must be divided with 70% allocated to the State and 30% allocated directly to  
21 participating local government subdivisions in proportions based on the opioid negotiation  
22 class model to be used only for purposes relating to opioid abuse treatment, prevention, and  
23 recovery programs.

- 1 **Section 3.** Whereas, this Act is necessary for the immediate preservation of the public peace,
- 2 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
- 3 and effect from and after its passage and approval.

AMENDED