

## 2022 South Dakota Legislature

**House Bill 1038****AMENDMENT 1038E FOR THE HOUSE APPROPRIATIONS  
ENGROSSED BILL**

1 **An Act to establish an opioid ~~trust-abatement and remediation~~ fund and to declare**  
2 **an emergency.**

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

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

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

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

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

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

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