

State of South Dakota

NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

936Z0419

SENATE ENGROSSED NO. **SB 176** - 2/22/2018

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Rusch, Frerichs, Kennedy, Killer, Kolbeck, Monroe, Novstrup, Otten (Ernie), and Peters and Representatives Jensen (Kevin), Campbell, Glanzer, Greenfield (Lana), Haugaard, Lesmeister, Pischke, Rasmussen, Ring, Wiese, and Willadsen

1 FOR AN ACT ENTITLED, An Act to provide for certain employees in the Office of the
2 Attorney General to investigate and litigate opioid misuse, to provide an appropriation
3 therefor, and to declare an emergency.

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

5 Section 1. That the code be amended by adding a NEW SECTION to read:

6 The Legislature finds that:

- 7 (1) On October 20, 2017, the President of the United States declared the opioid crisis a
8 national public health emergency under federal law;
- 9 (2) The National Survey on Drug Use and Health estimates that in 2016, ninety-one
10 million eight hundred thousand, or more than one-third of United States civilian,
11 noninstitutionalized adults, used prescription opioids and eleven million five hundred
12 thousand, or four and three-tenths percent, misused them;
- 13 (3) Misuse of prescription opioids presents serious public health concerns to the State



1 of South Dakota and to the citizens of the state;

2 (4) Misuse of prescription opioids presents serious financial concerns for the state. Under
3 certain health care programs, the state may have a legal obligation to provide medical
4 assistance to eligible persons for health conditions associated with opioid addiction
5 or misuse, and those persons may have a legal entitlement to receive that medical
6 assistance; and

7 (5) To appropriately address the crisis in South Dakota, the Office of the Attorney
8 General requires a full time equivalent attorney and a full time equivalent paralegal
9 with related operating expenses through the budget year of 2019 for the purposes of
10 investigation and litigation.

11 Section 2. That the code be amended by adding a NEW SECTION to read:

12 There is hereby appropriated from the general fund the sum of two hundred thirty-one
13 thousand four hundred sixty-seven dollars (\$231,467), or so much as may be necessary, and 2.0
14 FTE to the Office of the Attorney General through the budget year of 2019, for the purposes of
15 investigation and litigation of opioid addiction and misuse.

16 Section 3. Whereas, this Act is necessary for the support of the state government and its
17 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
18 full force and effect from and after its passage and approval.