

By: West

S.B. No. 1794

A BILL TO BE ENTITLED

AN ACT

relating to a statewide opioid settlement agreement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 403, Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. STATEWIDE OPIOID SETTLEMENT AGREEMENT

Sec. 403.501. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Opioid Council created as described by the term sheet to manage the distribution of funds from the opioid abatement fund in accordance with a statewide opioid settlement agreement.

(2) "Governmental entity" means:

(A) this state and each of its departments, agencies, divisions, boards, commissions, and instrumentalities; and

(B) a political subdivision of this state, including a county, municipality, special district, school district, junior college district, and housing authority.

(3) "Released claim" means a claim that has been released under a statewide opioid settlement agreement.

(4) "Released entity" means an entity against which a claim has been released under a statewide opioid settlement agreement.

(5) "Statewide opioid settlement agreement" means all

1 settlement agreements and related documents entered into by this
2 state through the attorney general and opioid manufacturers,
3 distributors, or retailers relating to illegal conduct in the
4 marketing, promotion, sale, distribution, and dispensing of
5 opioids that provide relief for this state and political
6 subdivisions of this state.

7 (6) "Term sheet" means the Texas Opioid Abatement Fund
8 Council and Settlement Allocation Term Sheet agreed to by this
9 state and political subdivisions of this state.

10 Sec. 403.502. SETTLEMENT RECORDS. The attorney general and
11 comptroller shall maintain a copy of a statewide opioid settlement
12 agreement, including any amendments to the agreement, and make the
13 copy available on the attorney general's and comptroller's Internet
14 websites.

15 Sec. 403.503. TEXAS OPIOID ABATEMENT FUND COUNCIL. The
16 council is administratively attached to the comptroller's office.
17 The comptroller shall provide the staff and facilities necessary to
18 assist the council in performing its duties.

19 Sec. 403.504. DISTRIBUTION OF FUNDS. Funds obtained under
20 a statewide opioid settlement agreement shall be distributed in
21 accordance with the term sheet.

22 Sec. 403.505. EFFECT OF SETTLEMENT ON RELEASED CLAIMS. (a)
23 A governmental entity may not bring a released claim against a
24 released entity.

25 (b) A court shall dismiss with prejudice a pending action
26 asserting a released claim against a released entity brought by a
27 governmental entity.

1 SECTION 2. This Act takes effect September 1, 2021.