

BILL ANALYSIS

Senate Research Center
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S.B. 1901
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Finance
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Opioid Abatement Fund Council was created to ensure that money recovered through statewide opioid settlement agreements with companies is allocated fairly and spent to remediate the opioid crisis using efficient, cost-effective, and evidence-based methods.

S.B. 1901 makes several changes to clarify and strengthen the ethics and administration of the Opioid Abatement Fund Council and its council members, including providing a six-year, staggered term for council members; defining conflicts of interest; allowing the Texas Treasury Safekeeping Trust Company to reallocate funds for distribution to local governments if a local government affirmatively refuses the funds; and repealing voting thresholds by the appointing authority to enable individual council members to recuse themselves due to conflicts of interest.

As proposed, S.B. 1901 amends current law relating to the administration of the Texas Opioid Abatement Fund Council and Texas Opioid Abatement Trust Fund.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Opioid Abatement Fund Council in SECTION 2 (Section 403.5041, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 403.503, Government Code, by adding Subsection (d-1), as follows:

(d-1) Provides that the voting members of the Opioid Abatement Fund Council (council) serve for staggered terms of six years, with the terms of four or five members, as applicable, expiring on February 1 of each odd-numbered year.

SECTION 2. Amends Subchapter R, Chapter 403, Government Code, by adding Section 403.5041, as follows:

Sec. 403.5041. CONFLICT OF INTEREST. (a) Requires a council member, if the council member knows that the council member or a person who is related to the council member within the first degree of affinity or consanguinity has a professional or financial interest in an entity that is directly receiving or applying to receive money from the council, to recuse himself or herself from participating in the review, discussion, deliberation, or vote on an application for an award under Subchapter R (Statewide Opioid Settlement Agreement).

(b) Authorizes the council by rule to adopt additional conflict of interest standards to implement this section or to comply with Subchapter C (Standards of Conduct and Conflict of Interest Provisions), Chapter 572, Government Code.

SECTION 3. Amends Section 403.506, Government Code, by adding Subsection (d-1), as follows:

(d-1) Authorizes the Texas Treasury Safekeeping Trust Company (trust company) to reallocate for the purposes described by Subsection (c)(2)(B) (relating to distribution of a portion of the funds from the statewide opioid settlement to the council) money that was distributed or should have been distributed under Subsection (c)(1) (relating to the distribution of a portion of the funds from a statewide opioid settlement agreement to counties and municipalities) if a county or municipality does not deposit the money before the second anniversary of the date on which the money was distributed or submits in writing to the trust company a document indicating that the municipality or county affirmatively forfeits or refuses to accept the money.

SECTION 4. Repealer: Section 403.509(c) (relating to the quantities of certain council members who are required to approve any council decision or strategy before it is adopted), Government Code.

SECTION 5. Requires the voting members of the council, at the first meeting of the council that is held on or after the effective date of this Act, to draw lots to determine which four members will serve a term expiring February 1, 2027, which four members will serve a term expiring February 1, 2029, and which five members will serve a term expiring February 1, 2031.

SECTION 6. Effective date: upon passage or September 1, 2025.