

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4420

FISCAL
NOTE

BY DELEGATES STEELE, KESSINGER, PACK, DEAN, HILL,
ELLINGTON, SHOTT, MAYNARD, PAYNTER, HANNA AND
MANDT

[Introduced January 20, 2020; Referred to the
Committee on Health and Human Resources then
Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §55-7L-1, relating to creating the Opioid Litigation Fund; requiring all proceeds
 3 from opioid litigation and settlements be deposited into the fund and equally distributed to
 4 the children of opioid abusers; establishing eligibility criteria; setting forth the requirements
 5 of the State Treasurer; and requiring rule-making.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7L. OPIOID LITIGATION FUND.

§55-7L-1. Opioid Litigation Fund.

1 (a) All moneys received by the Attorney General on behalf of the state in litigation or
 2 settlements, past, present and future, relating to opioids shall be deposited into a new fund, the
 3 Opioid Litigation Fund. The fund shall be managed by the State Treasurer.

4 (b) The Attorney General shall transfer all current funds in his or her possession to the
 5 Opioid Litigation Fund within 15 days of the effective date of this bill. Thereafter, the Attorney
 6 General shall transfer all future moneys to the Opioid Litigation Fund within 15 days of receipt.

7 (c) The State Treasurer shall invest the money consistent with the provisions of chapter
 8 12 of this code and all other requirements of this code on behalf of the recipients: *Provided, That*
 9 the Treasurer will give preference to West Virginia businesses or projects.

10 (d) Moneys from Opioid Litigation Fund shall be distributed to children:

11 (1) Who lost a parent by death from opiate overdose after January 1, 2004;

12 (2) Whose parents lost their parental rights after January 1, 2004, in an abuse and neglect
 13 case due to drug opiate abuse; and

14 (3) Born with neonatal abstinence syndrome after January 1, 2004.

15 (e) The children identified in subsection (d) of this section may apply on or after their 18th
 16 birthday for their portion of the Opioid Litigation Fund, with each recipient receiving an equal
 17 share. The Treasurer shall have an actuary, either in his or her office or by hiring an outside
 18 actuary, to determine the probable size of the class of recipients and the amount to be distributed.

19 No limitation may be put on the recipients use of their share of the proceeds.

20 (f) Proceeds distributed to the recipients from the Opioid Litigation Fund may not be
21 attached by any creditor, nor may a recipient, or potential recipient, pledge as collateral a potential
22 future reward from the fund.

23 (g) The Opioid Litigation Fund shall be maintained by the State Treasurer until the fund is
24 exhausted or until such time as the fund has no further claimants. If no claimants have come
25 forward for a period of five years, and moneys remain in the fund, the State Treasurer shall
26 distribute the remaining money to each past claimant equally. If a past claimant has died, that
27 claimant's portion shall be part of his or her estate to be distributed according to West Virginia
28 law.

29 (h) The State Treasurer shall propose rules for legislative approval in accordance with
30 §29A-3-1 et seq. of this code to implement this section.

NOTE: The purpose of this bill is to create the Opioid Litigation Fund. The bill requires all proceeds from opioid litigation and settlements be deposited into the fund and equally distributed to the children of opioid abusers. The bill establishes eligibility criteria. The bill set forth the requirements of the State Treasurer. The bill requires rule-making.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.