

HOUSE No. 2071

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to opioid drug manufacturer assessments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>2/19/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>3/2/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>3/2/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>

HOUSE No. 2071

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 2071) of Claire D. Cronin and others for legislation to establish an opioid treatment and addiction prevention fund. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to opioid drug manufacturer assessments.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to establish forthwith for the treatment and prevention of addiction that results from opioid drug manufacturing, dispensing and distribution, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94C of the General Laws is hereby amended by inserting after
2 section 24B the following section:-

3 Section 24C. (a) Every person that manufactures any opioid drug for distribution,
4 dispensing or use in the commonwealth, shall pay an assessment equal to the product of (i) the
5 ratio of the manufacturer’s annual aggregate distribution and dispensing of opioid drugs in the
6 commonwealth and (ii) the total annual aggregate distribution and dispensing of opioid drugs in
7 the commonwealth. The total assessment amount from all manufacturers shall not exceed
8 \$15,000,000. For the purposes of this section the term “opioid drug” means any drug having an

9 addiction-forming or addiction-sustaining liability similar to morphine or being capable of
10 conversion into a drug having such addiction-forming or addiction-sustaining liability.

11 (b) Annually, before October 1, the department shall establish each person's or
12 manufacturer's liability to pay the assessment. Each person or manufacturer shall pay the
13 assessment amount to the department for deposit in the Opioid Treatment and Addiction
14 Prevention Fund established in this section. The department shall specify by regulation
15 appropriate mechanisms, including use of the prescription monitoring program provided for in
16 section 24A and the data provided for in section 24B, to provide for determination of the
17 person's or manufacturer's liability for the assessment, including requirements for data to be
18 submitted by such person or manufacturer.

19 (c) The department shall establish by regulation an appropriate mechanism for enforcing
20 an assessment payor's liability to the fund if an assessment payor does not make a payment to the
21 fund. Such enforcement mechanism may include assessment of interest on the unpaid liability at
22 a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate
23 not to exceed 5 per cent per month.

24 (d) There shall be established and set up on the books of the commonwealth a fund to be
25 known as the Opioid Treatment and Addiction Prevention Fund, in this section called the fund,
26 which shall be administered by the department. Expenditures from the fund shall not be subject
27 to appropriation. The purpose of the fund shall be to provide for: (i) prevention, treatment,
28 management and research of opioid addiction and (ii) research to reduce barriers to effective pain
29 management alternatives to opioid drugs.

30 (e) The fund shall consist of: (i) all assessments paid under this section; and (ii) all
31 property and securities acquired by and through the use of monies belonging to the fund. All
32 interest earned on any property, security, penalties or other amounts in the fund shall be
33 deposited or retained in the fund.

34 (f) The department shall expend amounts in the fund consistent with the requirements of
35 this section. The department shall expend not more than \$15,000,000 annually from the fund.

36 SECTION 2. The department of public health shall promulgate regulations to implement
37 this act within 180 days of the effective date of this act.

38 SECTION 3. Section 1 shall take effect on June 30, 2022.