

HOUSE BILL NO. 5968

March 24, 2022, Introduced by Reps. Whiteford and Morse and referred to the Committee on Judiciary.

A bill to amend 2000 PA 489, entitled
"Michigan trust fund act,"
by amending section 2 (MCL 12.252), as amended by 2021 PA 137, and
by adding section 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Community district education trust fund" means the
- 3 community district education trust fund created in section 12.
- 4 (b) "Flint settlement trust fund" means the Flint settlement

1 trust fund created in section 11.

2 (c) "Medicaid benefits trust fund" means the Michigan Medicaid
3 benefits trust fund established in section 5.

4 (d) "Medicaid program" means a program for medical assistance
5 established under title XIX of the social security act, 42 USC 1396
6 to ~~1396w-5~~. **1396w-6**.

7 (e) "Medicaid special financing payments" means the Medicaid
8 special adjustor payments each year authorized in the department of
9 health and human services appropriations act.

10 (f) "Michigan merit award trust fund" means the Michigan merit
11 award trust fund established in section 9.

12 **(g) "Michigan opioid healing and recovery fund" means the**
13 **Michigan opioid healing and recovery fund created in section 3.**

14 **(h)** ~~(g)~~ "Strategic outreach and attraction reserve fund" means
15 the strategic outreach and attraction reserve fund created in
16 section 4.

17 **(i)** ~~(h)~~ "Tobacco settlement revenue" means money received by
18 this state that is attributable to the master settlement agreement
19 incorporated into a consent decree and final judgment entered into
20 on December 7, 1998 in *Kelly Ex Rel. Michigan v Philip Morris*
21 *Incorporated, et al.*, Ingham County Circuit Court, docket no. 96-
22 84281CZ, including any rights to receive money attributable to the
23 master settlement agreement that has been sold by this state.

24 **(j)** ~~(i)~~ "21st century jobs trust fund" means the 21st century
25 jobs trust fund established in section 7.

26 **Sec. 3. (1) The Michigan opioid healing and recovery fund is**
27 **created in the department of treasury.**

28 **(2) The state treasurer shall deposit all proceeds received by**
29 **this state as a result of any judgment, settlement, or compromise**

1 of claims pertaining to violations, or alleged violations, of law
2 related to the manufacture, marketing, distribution, dispensing, or
3 sale of opioids into the Michigan opioid healing and recovery fund,
4 except for proceeds received under the Medicaid false claim act.
5 The state treasurer may deposit money or other assets from any
6 other source into the Michigan opioid healing and recovery fund as
7 provided by law.

8 (3) The state treasurer shall direct the investment of the
9 Michigan opioid healing and recovery fund consistent with 1855 PA
10 105, MCL 21.141 to 21.147, and shall credit interest and earnings
11 from the investments to the Michigan opioid healing and recovery
12 fund.

13 (4) Money in the Michigan opioid healing and recovery fund at
14 the close of the fiscal year must remain in the Michigan opioid
15 healing and recovery fund and must not lapse to the general fund.

16 (5) The department of treasury is the administrator of the
17 Michigan opioid healing and recovery fund for audits of the fund.

18 (6) Subject to subsection (7), the department of treasury
19 shall expend money from the Michigan opioid healing and recovery
20 fund, on appropriation, in a manner and for purposes consistent
21 with the opioid judgment, settlement, or compromise of claims from
22 which the money was received.

23 (7) Money in the Michigan opioid healing and recovery fund
24 must be used to create or supplement programs or services. The
25 money must not be used to replace any other governmental funds that
26 would otherwise have been appropriated or expended for any other
27 program or service.

28 (8) Subject to subsection (9), the department of the attorney
29 general may expend money from the Michigan opioid healing and

1 recovery fund, on appropriation, to pay for costs and reasonable
2 attorney fees incurred in the pursuit of an opioid judgment,
3 settlement, or compromise of claims, except for a pursuit under the
4 Medicaid false claim act.

5 (9) If possible, the department of the attorney general shall
6 attempt to have costs and attorney fees described in subsection (8)
7 paid by a defendant or source other than the Michigan opioid
8 healing and recovery fund.

9 (10) As used in this section, "Medicaid false claim act" means
10 the medicaid false claim act, 1977 PA 72, MCL 400.601 to 400.615.