

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 422  
Appropriations

(Delegate Rosenberg)

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**Opioid Restitution Fund - Office of the Chief Medical Examiner**

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This bill authorizes the Opioid Restitution Fund to be used to support the Office of the Chief Medical Examiner (OCME) for increased caseloads due to opioid overdose deaths. **The bill takes effect on the taking effect of Chapter 537 of 2019.**

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**Fiscal Summary**

**State Effect:** As the fund is not yet operational, the bill does not directly affect State finances or operations. If the fund is established and capitalized (as discussed below), special funds may support a portion of OCME operations in future years. To the extent the funds are used for this purpose, there is less pressure on the general fund to keep pace with the higher caseloads due to opioid overdose deaths.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 537 of 2019 established the Opioid Restitution Fund to retain any revenues received by the State relating to specified opioid judgments or settlements. The fund may only be used to provide funds for:

- improving access to medications proven to prevent or reverse an overdose;
- supporting peer support specialists and screening, brief intervention, and referral to treatment services for hospitals, correctional facilities, and other high-risk populations;

- increasing access to medications that support recovery from substance use disorders;
- expanding the Heroin Coordinator Program, including for administrative expenses;
- expanding access to crisis beds and residential treatment services;
- expanding and establishing safe stations, mobile crisis response systems, and crisis stabilization centers;
- supporting the Health Crisis Hotline;
- organizing primary and secondary school education campaigns to prevent opioid use, including for administrative expenses;
- enforcing the laws regarding opioid prescriptions and sales, including for administrative expenses;
- research regarding and training for substance use treatment and overdose prevention, including for administrative expenses; and
- supporting and expanding other evidence-based interventions for overdose prevention and substance use treatment.

Money expended from the fund is supplemental to and is not intended to supplant funding that otherwise would be appropriated for such programs and services. Except as specified, money expended from the fund may not be used for administrative expenses.

The fund takes effect contingent on a judgment by a State or federal court against, or settlement with, opioid manufacturers, opioid research associations, or any other person in the opioid industry relating to any claims made or prosecuted by the State to recover damages for violations of State law. The Act must take effect on the date that a specified notice from the Attorney General is received by the Department of Legislative Services.

## **Background:**

### *Legal Actions Related to the Opioid Crisis*

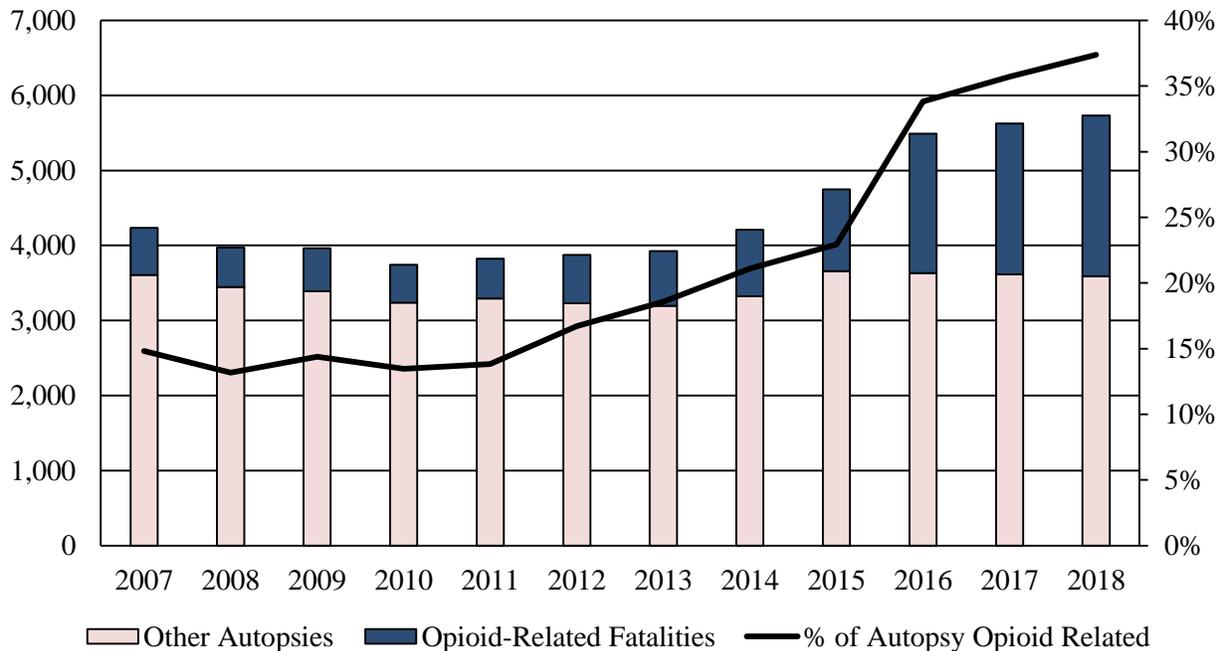
Nationwide, lawsuits have been filed against pharmaceutical manufacturers, pharmacies, and individual providers for fueling the opioid crisis, either for aggressively marketing opioids and downplaying the known addictive qualities of the drugs, or for failing to detect and report suspicious orders. In December 2017, the U.S. Judicial Panel on Multidistrict Litigation ordered the consolidation of the nearly 200 pending opioid-related cases into multidistrict litigation in the U.S. District Court for the Northern District of Ohio. Over 2,500 jurisdictions are part of the multidistrict litigation, including 32 Maryland jurisdictions (16 counties and 16 cities). In September 2019, Purdue Pharma, one of the original defendants named in the lawsuit, filed for bankruptcy. As part of its bankruptcy filings, Purdue Pharma has proposed a settlement worth \$3 billion plus future revenues from OxyContin sales. Attorney General Brian E. Frosh issued a statement rejecting

Purdue Pharma’s proposed settlement. In May 2019, the Attorney General filed charges against Purdue Pharma, the Sackler family (owners of Purdue Pharma), Rhodes Pharmaceuticals (an entity with ties to Purdue Pharma and the Sackler family), and related entities. The State’s charges allege that Purdue Pharma and the Sackler family conducted an orchestrated marketing scheme designed to mislead Maryland health care providers, patients, insurers, officials, and others about the benefits of opioids while downplaying their risks. Any payments made to the State as a result of opioid litigation will be placed in the Opioid Restitution Fund.

*Office of the Chief Medical Examiner*

Nearly all opioid-related fatalities receive an autopsy from OCME, with some exceptions for religious exemptions. **Exhibit 1** shows the number of autopsies performed by OCME for 2007 through 2018, and both the number and proportion of those cases that are opioid-related fatalities. Opioid-related fatalities have grown from less than 15% of total autopsies performed in 2007, to more than 37% of total autopsies performed in 2018, and account for significant growth in the total number of autopsy cases per year.

**Exhibit 1**  
**Autopsies Conducted by the Office of the Chief Medical Examiner**  
**2007-2018**



Source: Department of Legislative Services

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Comptroller's Office; Maryland Department of Health;  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2020  
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