
Appropriations Committee

SSB 6099

Brief Description: Creating the tribal opioid prevention and treatment account.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Braun, Kauffman and Mullet).

Brief Summary of Substitute Bill

- Creates the Tribal Opioid Prevention and Treatment Account in the custody of the State Treasurer (Treasurer).
- Provides that the Tribal Opioid Prevention and Treatment Account may be used for addressing the impact of the opioid epidemic in tribal communities.
- Directs the Treasurer to make annual transfers from the Opioid Abatement Settlement Account to the Tribal Opioid Prevention and Treatment Account with some limitations.
- Establishes the annual transfer amount to be the greater of \$7.75 million or 20 percent of settlement receipts and moneys deposited into the Opioid Abatement Settlement Account over the prior fiscal year.

Hearing Date: 2/22/24

Staff: Andy Toulon (786-7178).

Background:

Opioid Settlement Agreements.

Washington has both settled and pending litigation against a number of entities in relation to their roles in contributing to the opioid epidemic. Payments from these settlements will be

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received by the state over a period of time, with some settlements having one-time payments and others requiring payments in installments for up to 17 years. Aside from legal expenses, funds received by the state must be used for activities consistent with the list of opioid remediation uses contained in the settlement agreements.

The settlement agreements generally include some funding that comes directly to the state and other funding that goes out to local governments. In terms of the state share of revenues from these agreements, the state received approximately \$51 million prior to the current fiscal year and estimates for additional settlement revenues through fiscal year 2040 are over \$600 million. Tribes located in the state of Washington are not parties to the state opioid settlements and may have signed separate settlement agreements in some cases.

Opioid Abatement Settlement Account.

In 2023 the Legislature created the Opioid Abatement Settlement Account (OASA) for deposit of settlement money received to abate the opioid epidemic to be appropriated for opioid remediation pursuant to settlement agreements. This does not include funding the state jointly administers with smaller counties or funding received directly by larger counties.

In 2023 the Legislature appropriated \$85 million from the OASA to the following state agencies:

- the Health Care Authority Community Behavioral Health Program: \$75 million;
- the Department of Health: \$7.4 million;
- the Department of Children, Youth and Families: \$2.3 million; and
- the Department of Labor and Industries: \$0.25 million.

These appropriations were made in the 2023-25 Biennial Operating Budget and in Chapter 1, Laws of 2023, 1st sp.s. (2E2SSB 5536) which amended provisions relating to criminal justice and substance use disorder treatment and included some appropriations within the act. Approximately \$15.5 million of the biennial amounts were appropriated for the Health Care Authority to pass through to tribes and urban Indian health programs for opioid and overdose response activities.

Summary of Bill:

The Tribal Opioid Prevention and Treatment Account (TOPTA) is created in the custody of the State Treasurer (Treasurer). Moneys in the TOPTA may be spent only after appropriation. The TOPTA retains interest earnings. Beginning July 1, 2025, and annually thereafter, the Treasurer must transfer the greater of \$7.75 million or 20 percent of the settlement receipts and moneys deposited into the OASA over the prior fiscal year into the TOPTA. No transfer to the TOPTA is required if the average revenues received by the OASA per fiscal year over the prior two fiscal years is less than \$7.75 million. Appropriations from the TOPTA may be used for addressing the impact of the opioid epidemic in tribal communities including, prevention and recovery services, treatment programs including medication-assisted treatment, peer services, awareness campaigns and education, and support for first responders.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.