

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
<b>204-36 (LS)</b> As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.	Amanda L. Shelton Telena Cruz Nelson Tina Rose Muña Barnes Mary Camacho Torres Clynton E. Ridgell James C. Moylan Joe S. San Agustin Jose "Pedro" Terlaje Christopher M. Dueñas	AN ACT TO ADD NEW ARTICLE 16 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "OPIOID PREVENTION AND TREATMENT ACT."	9/27/21 1:23 p.m.	10/1/21	Committee on General Government Operations, Appropriations, and Housing	10/11/21 2:00 p.m.	11/12/21 4:47 p.m.  As amended by the Committee on General Government Operations, Appropriations, and Housing	Request: 10/5/21  10/11/21	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	12/6/21	AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "OPIOID PREVENTION AND TREATMENT ACT."	12/15/21	12/15/21	12/27/21	36-64	12/23/21	Received: 12/27/21 Mess and Comm. Doc. No. 36GL-21-1450	

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

December 23, 2021

**HONORABLE THERESE M. TERLAJE**, *Speaker*  
*I Mina'trentai Sais Na Liheslaturan Guåhan*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Doc Type: 36GL-21-1450  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

12-23-2021

Time: 4:42pm  
Received: RL

Re: **BILL NO. 204-36 (LS)** – An Act to *Add* a New Article 17 to Chapter 22 of Title 5, Guam Code Annotated, Relative to Establishing an “Opioid Recovery Trust Fund”; to Direct All Opioid Litigation Monies Entitled to Guam into Such Fund; and to Establish the “Opioid Recovery Advisory Council; to be known as the “*Opioid Prevention and Treatment Act*”

Dear Madame Speaker,

Recognizing the potential of significant consequences for our community from the crisis caused by severe opioid abuse throughout the United States, Attorney General Leevin Camacho, on behalf of the people of Guam, sued Purdue Pharma in 2019, alleging that it had, among other things, engaged in deceptive practices to increase demand for its products. In an effort to end this litigation, and several other cases like it across jurisdictions throughout the United States, the parties entered into settlement discussions which have resulted in significant sums of money being directed to affected communities. For Guam, this means a likely distribution of more than Ten Million Dollars (\$10,000,000) to be utilized to combat the opioid abuse epidemic. These funds have the potential to have a transformative effect on our island and those who suffer from substance abuse. Bill No. 204-36 sets out the framework for ensuring that these funds are managed responsibly and directed toward areas where they will have the most significant impact. It is now known as *Public Law No. 36-64*.

*Senseremente,*

**LOURDES A. LEON GUERRERO**  
*Maga'hågan Guåhan*  
Governor of Guam

COMMITTEE ON RULES  
RECEIVED:  
December 27, 2021  
9:54 A.M.

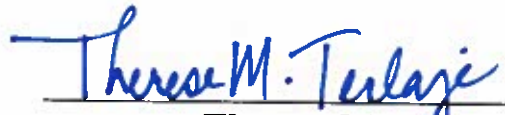
Enclosure: Bill No. 204-36 (LS) *nka P.L. No. 36-64*

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*  
Compiler of Laws

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2021 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN**

This is to certify that **Bill No. 204-36 (LS)**, "AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "OPIOID PREVENTION AND TREATMENT ACT," was on the 15<sup>th</sup> day of December 2021, duly and regularly passed.

  
\_\_\_\_\_  
**Therese M. Terlaje**  
**Speaker**

Attested:



\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 15<sup>th</sup> day of December, 2021, at 6:50 o'clock P.M.

PO1 D. Cruz

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:



\_\_\_\_\_  
**Lourdes A. Leon Guerrero**  
*I Maga'hågan Guåhan*

Date: 12/23/2021

Public Law No. 36-64

2021-15259<sup>4</sup>  
RCUD AT CENTRAL FILES  
DEC 16 '21 AM 9:30

**Elaine Tajalle**

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 204-36 (LS)**

As amended by the Committee on General Government  
Operations, Appropriations and Housing; and further  
amended in the Committee of the Whole.

Introduced by:

Amanda L. Shelton  
Telena Cruz Nelson  
Tina Rose Muña Barnes  
Mary Camacho Torres  
Clynton E. Ridgell  
James C. Moylan  
Joe S. San Agustin  
Jose "Pedo" Terlaje  
Christopher M. Dueñas  
V. Anthony Ada  
Frank Blas Jr.  
Joanne Brown  
Sabina Flores Perez  
Telo T. Taitague  
Therese M. Terlaje

**AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22  
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE  
TO ESTABLISHING AN "OPIOID RECOVERY TRUST  
FUND"; TO DIRECT ALL OPIOID LITIGATION  
MONIES ENTITLED TO GUAM INTO SUCH FUND;  
AND TO ESTABLISH THE "OPIOID RECOVERY  
ADVISORY COUNCIL"; TO BE KNOWN AS THE  
"OPIOID PREVENTION AND TREATMENT ACT."**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that states, state subdivisions, and territories have filed suit against entities that  
4 manufactured, sold, distributed, dispensed, or promoted opioid use for unlawful  
5 business practices that have contributed to the opioid epidemic in the United States.  
6 Nearly four thousand (4,000) claims have been filed in federal and state courts by  
7 states, local governments, and territories across the country against several  
8 defendants, including notable companies such as Purdue Pharma LP; Johnson &  
9 Johnson; and the three (3) largest pharmaceutical distributors in the United States,  
10 namely Cardinal Health, McKesson, and AmerisourceBergen. Plaintiffs seek  
11 punitive damages and recovery of costs associated with the treatment, prevention,  
12 prosecution, and detection of opioid use.

13           *I Liheslatura* further finds that attorneys general across the country have led  
14 successful efforts to organize this extensive multi-district litigation. As a result of  
15 these efforts, national opioid settlements will total approximately Twenty-six Billion  
16 Dollars (\$26,000,000,000). Through the Office of the Attorney General of Guam,  
17 Guam has been represented and actively participated in litigation and settlement  
18 discussions. As a result of this work, Guam anticipates receiving upwards of Ten  
19 Million Dollars (\$10,000,000), the largest non-tobacco settlement the island has ever  
20 received, to be spent on the treatment and prevention of opioid abuse and co-  
21 occurring substance abuse disorders or mental health conditions.

22           *I Liheslatura* further finds that in 2019, Guam's Attorney General sued Purdue  
23 Pharmaceuticals, the manufacturer of OxyContin, claiming that between the years  
24 2015 and 2019, over ninety-seven thousand eight hundred twenty-one (97,821)  
25 opioid prescriptions were issued, and from 2018 to the time of the complaint, over  
26 two hundred (200) doses of Naloxone, a medication used to reverse opioid  
27 overdoses, were administered. The claim further states that Purdue Pharma used

1 deceptive marketing by knowingly misrepresenting to the medical community and  
2 patients that opioids were safe, actions partly creating and fueling the opioid  
3 epidemic on Guam.

4 *I Liheslatura* further finds that to ensure that Guam is better able to effectively  
5 prevent and reduce opioid addiction, reduce overdose deaths, and mitigate the  
6 problems arising as a result of the opioid epidemic, it is both reasonable and  
7 necessary to create a trust fund, dedicate monies to the fund, and establish an  
8 advisory council to determine spending strategy.

9 Therefore, it is the intent of *I Liheslaturan Guåhan* to add a new Article 17 to  
10 Chapter 22 of Title 5, Guam Code Annotated, to (1) establish the Opioid Recovery  
11 Trust Fund (Fund) to receive all monies obtained through opioid litigation; (2)  
12 dedicate the monies deposited in the Fund for use in facilitating and expanding  
13 Guam’s substance use disorder prevention and treatment efforts in line with relevant  
14 judgments, court orders, agreements, etc.; and (3) establish an Opioid Recovery  
15 Advisory Council to set a spending strategy based on identifiable needs and to  
16 consult and advise on adaptations to said strategy based on changing community  
17 needs.

18 **Section 2.** A new Article 17 is hereby *added* to Chapter 22 of Title 5, Guam  
19 Code Annotated, to read:

20 **“ARTICLE 17**

21 **OPIOID PREVENTION AND TREATMENT ACT**

22 § 221701. Title and Purpose.

23 § 221702. Opioid Recovery Trust Fund.

24 § 221703. Eligible Expenditures.

25 § 221704. Opioid Recovery Advisory Council.

26 § 221705. Reporting Requirements.

27 § 221706. Designation of OAG as Single Agency.



1 § 221707. Annual Audit.

2 § 221708. Submission of Spending Plan.

3 **§ 221701. Title and Purpose.**

4 This Act shall be known as the “*Opioid Prevention and Treatment Act.*” The  
5 purpose of this Act is to provide for the use of dedicated revenue for treatment and  
6 prevention of opioid use disorder and co-occurring disorders.

7 **§ 221702. Opioid Recovery Trust Fund.**

8 (a) There is hereby created the Opioid Recovery Trust Fund (Fund), which  
9 shall be maintained separate and apart from any other funds of the Government of  
10 Guam, including the General Fund. The Fund shall be a continuing fund; amounts  
11 credited to the Fund shall not be subject to further appropriation and monies  
12 remaining in the Fund at the end of a fiscal year shall not be transferred to the  
13 General Fund. The Fund shall not be subject to any transfer authority of *I*  
14 *Maga'hågan Guåhan.*

15 (b) The Fund shall include all money, payments, or other things of value in  
16 the nature of civil damages or other payment, except criminal penalties, received on  
17 behalf of Guam by the Office of the Attorney General (OAG) of Guam relating to  
18 the manufacturing, marketing, distributing, promoting, or dispensing of opioids,  
19 whether such is received by way of verdict, judgment, compromise, or settlement in  
20 or out of court, of any case or controversy. The Fund shall also include any interest  
21 earned on such amounts.

22 (c) Monies in the Fund shall be used to supplement and not supplant or  
23 replace any other funds, including federal or local funding, which would otherwise  
24 have been expended for substance use disorder prevention, treatment, recovery or  
25 harm reduction services or programs. Further, general operating funds or baseline  
26 funding shall not be reduced due to monies expended from the Fund.

1 (d) The Office of the Attorney General shall promptly remit all money,  
2 payments, or other things of value to the Treasurer of Guam for credit to the Fund.

3 (e) The Office of the Attorney General, in consultation with the Opioid  
4 Recovery Advisory Council established by this Act, shall administer the Fund.

5 (f) In administering the Fund, the Office of the Attorney General may  
6 establish internal accounts to segregate funds received from different judgments or  
7 settlement agreements to the extent that different judgments or settlement  
8 agreements direct specific allocation of expenditures.

9 **§ 221703. Eligible Expenditures.**

10 (a) Monies in the Fund shall be expended to mitigate the impacts of the  
11 opioid epidemic on Guam, including, but not limited to, expanding access to opioid  
12 use disorder prevention, intervention, treatment, and recovery options. Monies in the  
13 Fund may be expended to support reasonable costs associated with the  
14 administration of the Fund, including to offset the costs of legal and administrative  
15 burdens imposed upon the Attorney General's Office, which shall not exceed ten  
16 percent (10%) of the total annual deposits into the Fund.

17 (b) Any funds appropriated, expended, or distributed from the Opioid  
18 Recovery Trust Fund shall be spent in accordance with the terms of any verdict,  
19 judgment, compromise, or settlement in or out of court, of any case or controversy  
20 brought pursuant to the Deceptive Trade Practices - Consumer Protection Act or any  
21 other law relating to the manufacturing, marketing, distributing, promoting, or  
22 dispensing of opioids.

23 **§ 221704. Opioid Recovery Advisory Council.**

24 (a) There shall be an Opioid Recovery Advisory Council (Council)  
25 established to determine the allocation or expenditures of the Fund.



1 (b) The Council shall consist of the following eleven (11) members, which  
2 shall include nine (9) voting members, one (1) non-voting member, and one (1) non-  
3 voting member chairperson:

4 (1) the Attorney General, or designee, shall serve as the non-voting  
5 chairperson;

6 (2) the Director, or designee, of the Guam Behavioral Health and  
7 Wellness Center;

8 (3) the Director, or designee, of the Department of Public Health and  
9 Social Services;

10 (4) the Administrator of the Courts, or designee, of the Judiciary of  
11 Guam, who shall serve as a non-voting member;

12 (5) the Administrator, or designee, of the Guam Memorial Hospital  
13 Authority;

14 (6) one (1) member appointed by *I Maga'hågan Guåhan*, who is  
15 qualified by experience with opioid use disorder, either first-hand or as a  
16 family member of an individual with opioid use disorder;

17 (7) one (1) member appointed by *I Maga'hågan Guåhan*, who is  
18 qualified by experience with working as or with direct service providers or  
19 non-profit organizations;

20 (8) one (1) member appointed by the Speaker of *I Liheslaturan*  
21 *Guåhan*;

22 (9) one (1) member appointed by the Minority Leader of *I*  
23 *Liheslaturan Guåhan*;

24 (10) one (1) member appointed by the Mayors Council of Guam, who  
25 is qualified by experience with opioid use disorder, either first-hand or as a  
26 family member of an individual with opioid use disorder; and

1 (11) the Executive Director, or designee, of the Public Defender  
2 Service Corporation.

3 (c) In making appointments, appointing authorities shall consider having  
4 racially and socioeconomically diverse representation on the Council.

5 (d) A majority of voting members shall constitute a quorum.  
6 Determinations shall be made upon a majority vote.

7 (e) The Council shall hold no fewer than two (2) meetings annually, subject  
8 to the provisions of 5 GCA Chapter 8 - *the Open Government Law of Guam*.

9 (f) Council members shall serve for terms of three (3) years, and any  
10 member shall be eligible for reappointment. In the event of a vacancy, the original  
11 appointing authority shall appoint a new member to fulfill the remainder of the  
12 unexpired term. Any member who is appointed may be removed by the appointing  
13 authority upon written notice to the chairperson.

14 (g) Council members shall serve without compensation.

15 (h) In making determinations for expenditures of the Fund, Council  
16 members shall consider programs, including, but not limited to, those:

17 (1) to prevent substance use disorders through an evidence-based  
18 youth-focused public health education and prevention campaign, including  
19 school-based prevention and health care services and programs to reduce the  
20 risk of substance use by school-aged children;

21 (2) to develop and implement public education campaigns to reduce  
22 stigma against individuals with a substance use disorder, provide information  
23 about the risks of substance use, best practices for addressing substance use  
24 disorders, and information on how to locate services that reduce the adverse  
25 health consequences associated with substance use disorders or provide  
26 treatment for substance use disorders;

1           (3) to provide substance use disorder treatment and early recovery  
2 programs for youth and adults, with an emphasis on programs that provide a  
3 continuum of care that includes screening and assessment for substance use  
4 disorders and co-occurring disorders, active treatment, family involvement,  
5 case management, relapse management for substance use and other co-  
6 occurring behavioral health disorders, vocational services, literacy services,  
7 parenting classes, family therapy and counseling services, crisis services,  
8 recovery services, evidence-based treatments, medication-assisted treatments,  
9 including medication assisted treatment provided in correctional facilities,  
10 psychiatric medication, psychotherapy, and transitional services programs;

11           (4) to provide harm reduction counseling and services to reduce the  
12 adverse health consequences associated with substance use disorders,  
13 including overdose prevention and prevention of communicable diseases  
14 related to substance use, provided by a substance use disorder service provider  
15 or qualified community-based organization;

16           (5) to provide housing services for people who are recovering from  
17 a substance use disorder. Such housing services shall be appropriate, based on  
18 the individual's current need and stage of recovery. Such housing services  
19 may include, but are not limited to, supportive housing services;

20           (6) to support community-based or diversion programs that reduce  
21 the likelihood of criminal justice involvement for individuals who have or are  
22 at risk of having a substance use disorder;

23           (7) to provide programs for pregnant women and new parents who  
24 currently or formerly have had a substance use disorder, and newborns with  
25 neonatal abstinence syndrome; and

26           (8) to provide vocational and educational training for individuals  
27 with, or at risk for, a substance use disorder.

1           **§ 221705. Reporting Requirements.**

2           Annually, no later than October 31, the Office of the Attorney General shall  
3 submit a report on the activity, revenue, and expenditures to and from the Fund to *I*  
4 *Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan*. The report shall  
5 also be posted on the OAG website. The report shall include, but not be limited to:

6           (a) the revenue credited to the Fund;

7           (b) the amount of expenditures attributable to the administrative costs of  
8 administering the Fund, including administrative support to the OAG and the  
9 Council;

10          (c) an itemized list of expenditures; and

11          (d) data and an assessment of the effectiveness of activities funded.

12           **§ 221706. Designation of OAG as Single Agency.**

13           The Office of the Attorney General is designated as the single agency for  
14 Guam relative to bringing claims against entities for manufacturing, marketing,  
15 distributing, promoting, or dispensing of opioids pursuant to Guam law, including,  
16 but not limited to, the Deceptive Trade Practices - Consumer Protection Act.

17           **§ 221707. Annual Audit.**

18           The Office of Public Accountability (OPA) shall perform an annual audit of  
19 the Opioid Recovery Trust Fund and the compliance of the Opioid Recovery  
20 Advisory Council with the expenditure of such funds within the Fund in accordance  
21 with the administration and exclusive purposes of this Article. Said audit shall  
22 include, but is not limited to, the revenues of the Fund and the expenditures from the  
23 Fund. The OPA shall prepare and provide a written report of compliance to *I*  
24 *Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than  
25 seventy-five (75) days after the end of the fiscal year.

26           **§ 221708. Submission of Spending Plan.**

1           The Opioid Recovery Advisory Council shall submit a detailed spending plan  
2 for the Opioid Recovery Trust Fund for Fiscal Years 2022 and 2023, to the Speaker  
3 of *I Liheslaturan Guåhan* no later than August 1, 2022. The Opioid Recovery  
4 Advisory Council shall submit annually, a detailed spending plan for the Opioid  
5 Recovery Trust Fund for every subsequent fiscal year to the Speaker of *I*  
6 *Liheslaturan Guåhan* no later than August 1<sup>st</sup> of each year.”


7           **Section 3. Effective Date.** This Act shall be effective upon enactment.

**Guam Pacific Island Gold Star Families' Memorial Monument.pdf**

363K

 **21.1223 GOV to Speaker re Bill No. 204-36 (LS) nka P.L. No. 36-64 - Relative to Establishing an OPIOID RECOVERY TRUST FUND and to Establish the OPIOID RECOVERY ADVISORY COUNCIL to be known as the OPIOID PREVENT AND TREATMENT ACT.pdf**

307K

 **21.1223 GOV to Speaker re Bill No. 214-36 (COR) nka P.L. No. 36-65 - An Act to Appropriate \$25,000,000 from the General Fund to DOA for the Local Employers' Assistance Program (LEAP) Act of 2021.pdf**

141K

 **21.1223 GOV to Speaker re Bill 97-36 (LS) nka P.L. 36-66 - Relative to Requiring GDOE & GU Charter Schools to Provide and Regularly Stock Menstrual Hygiene Products & to Cite this Act as the PERIOD POVERTY ACT OF 2021.pdf**

140K

366L-21-1450  
366L-21-1449  
366L-21-1448  
366L-21-1447

Doc Type: \_\_\_\_\_  
**OFFICE OF THE SPEAKER  
THERESE M. TERLAJE**

**12-23-2021**

Time: 4:14 PM

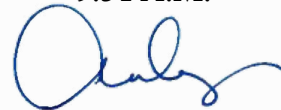
Received: \_\_\_\_\_

**COMMITTEE ON RULES**

**RECEIVED:**

December 27, 2021

9:54 A.M.





LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

December 23, 2021

**HONORABLE THERESE M. TERLAJE**, *Speaker*  
*I Mina'trentai Sais Na Liheslaturan Guāhan*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**Re: BILL NO. 204-36 (LS) – An Act to *Add a New Article 17 to Chapter 22 of Title 5, Guam Code Annotated, Relative to Establishing an “Opioid Recovery Trust Fund”; to Direct All Opioid Litigation Monies Entitled to Guam into Such Fund; and to Establish the “Opioid Recovery Advisory Council; to be known as the “Opioid Prevention and Treatment Act”***

Dear Madame Speaker,

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*Senseremente,*

A handwritten signature in black ink, appearing to read "Lou Leon Guerrero".

**LOURDES A. LEON GUERRERO**  
*Maga'hāgan Guāhan*  
Governor of Guam

Enclosure: Bill No. 204-36 (LS) *nka P.L. No. 36-64*

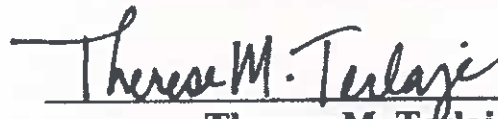
cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'lāhen Guāhan*  
Compiler of Laws

RICARDO J. BORDALLO GOVERNOR'S COMPLEX  
513 W. Marine Corps Drive Hagåtña, Guam 96910  
governor.guam.gov | (671) 472-8931

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN  
2021 (FIRST) Regular Session**

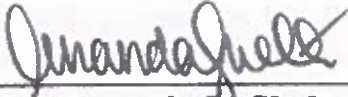
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This is to certify that Bill No. 204-36 (LS), "AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "OPIOID PREVENTION AND TREATMENT ACT," was on the 15<sup>th</sup> day of December 2021, duly and regularly passed.



**Therese M. Terlaje  
Speaker**

Attested:



**Amanda R. Shelton  
Legislative Secretary**

This Act was received by *I Maga'hågan Guåhan* this 15<sup>th</sup> day of December, 2021, at 6:50 o'clock P.M.



**Assistant Staff Officer  
*Maga'håga's* Office**

APPROVED:



**Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan***

Date: 12/23/2021

Public Law No. 36-64

2021-15259  
RCVD AT CENTRAL FILES  
DEC 16 '21 AM 9:30

Elaine Tajalle

***I MINA TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 204-36 (LS)**

As amended by the Committee on General Government  
Operations, Appropriations and Housing; and further  
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Introduced by:

Amanda L. Shelton  
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Telo T. Taitague  
Therese M. Terlaje

**AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN "OPIOID RECOVERY TRUST FUND"; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE "OPIOID RECOVERY ADVISORY COUNCIL"; TO BE KNOWN AS THE "OPIOID PREVENTION AND TREATMENT ACT."**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that states, state subdivisions, and territories have filed suit against entities that manufactured, sold, distributed, dispensed, or promoted opioid use for unlawful business practices that have contributed to the opioid epidemic in the United States. Nearly four thousand (4,000) claims have been filed in federal and state courts by states, local governments, and territories across the country against several defendants, including notable companies such as Purdue Pharma LP; Johnson & Johnson; and the three (3) largest pharmaceutical distributors in the United States, namely Cardinal Health, McKesson, and AmerisourceBergen. Plaintiffs seek punitive damages and recovery of costs associated with the treatment, prevention, prosecution, and detection of opioid use.

*I Liheslatura* further finds that attorneys general across the country have led successful efforts to organize this extensive multi-district litigation. As a result of these efforts, national opioid settlements will total approximately Twenty-six Billion Dollars (\$26,000,000,000). Through the Office of the Attorney General of Guam, Guam has been represented and actively participated in litigation and settlement discussions. As a result of this work, Guam anticipates receiving upwards of Ten Million Dollars (\$10,000,000), the largest non-tobacco settlement the island has ever received, to be spent on the treatment and prevention of opioid abuse and co-occurring substance abuse disorders or mental health conditions.

*I Liheslatura* further finds that in 2019, Guam's Attorney General sued Purdue Pharmaceuticals, the manufacturer of OxyContin, claiming that between the years 2015 and 2019, over ninety-seven thousand eight hundred twenty-one (97,821) opioid prescriptions were issued, and from 2018 to the time of the complaint, over two hundred (200) doses of Naloxone, a medication used to reverse opioid overdoses, were administered. The claim further states that Purdue Pharma used

1 deceptive marketing by knowingly misrepresenting to the medical community and  
2 patients that opioids were safe, actions partly creating and fueling the opioid  
3 epidemic on Guam.

4 *I Liheslatura* further finds that to ensure that Guam is better able to effectively  
5 prevent and reduce opioid addiction, reduce overdose deaths, and mitigate the  
6 problems arising as a result of the opioid epidemic, it is both reasonable and  
7 necessary to create a trust fund, dedicate monies to the fund, and establish an  
8 advisory council to determine spending strategy.

9 Therefore, it is the intent of *I Liheslaturan Guåhan* to add a new Article 17 to  
10 Chapter 22 of Title 5, Guam Code Annotated, to (1) establish the Opioid Recovery  
11 Trust Fund (Fund) to receive all monies obtained through opioid litigation; (2)  
12 dedicate the monies deposited in the Fund for use in facilitating and expanding  
13 Guam’s substance use disorder prevention and treatment efforts in line with relevant  
14 judgments, court orders, agreements, etc.; and (3) establish an Opioid Recovery  
15 Advisory Council to set a spending strategy based on identifiable needs and to  
16 consult and advise on adaptations to said strategy based on changing community  
17 needs.

18 **Section 2.** A new Article 17 is hereby *added* to Chapter 22 of Title 5, Guam  
19 Code Annotated, to read:

20 **“ARTICLE 17**

21 **OPIOID PREVENTION AND TREATMENT ACT**

- 22 § 221701. Title and Purpose.  
23 § 221702. Opioid Recovery Trust Fund.  
24 § 221703. Eligible Expenditures.  
25 § 221704. Opioid Recovery Advisory Council.  
26 § 221705. Reporting Requirements.  
27 § 221706. Designation of OAG as Single Agency.



1           § 221707.   Annual Audit.

2           § 221708.   Submission of Spending Plan.

3           **§ 221701.   Title and Purpose.**

4           This Act shall be known as the “*Opioid Prevention and Treatment Act.*” The  
5 purpose of this Act is to provide for the use of dedicated revenue for treatment and  
6 prevention of opioid use disorder and co-occurring disorders.

7           **§ 221702.   Opioid Recovery Trust Fund.**

8           (a)   There is hereby created the Opioid Recovery Trust Fund (Fund), which  
9 shall be maintained separate and apart from any other funds of the Government of  
10 Guam, including the General Fund. The Fund shall be a continuing fund; amounts  
11 credited to the Fund shall not be subject to further appropriation and monies  
12 remaining in the Fund at the end of a fiscal year shall not be transferred to the  
13 General Fund. The Fund shall not be subject to any transfer authority of *I*  
14 *Maga'hāgan Guāhan.*

15           (b)   The Fund shall include all money, payments, or other things of value in  
16 the nature of civil damages or other payment, except criminal penalties, received on  
17 behalf of Guam by the Office of the Attorney General (OAG) of Guam relating to  
18 the manufacturing, marketing, distributing, promoting, or dispensing of opioids,  
19 whether such is received by way of verdict, judgment, compromise, or settlement in  
20 or out of court, of any case or controversy. The Fund shall also include any interest  
21 earned on such amounts.

22           (c)   Monies in the Fund shall be used to supplement and not supplant or  
23 replace any other funds, including federal or local funding, which would otherwise  
24 have been expended for substance use disorder prevention, treatment, recovery or  
25 harm reduction services or programs. Further, general operating funds or baseline  
26 funding shall not be reduced due to monies expended from the Fund.



1 (d) The Office of the Attorney General shall promptly remit all money,  
2 payments, or other things of value to the Treasurer of Guam for credit to the Fund.

3 (e) The Office of the Attorney General, in consultation with the Opioid  
4 Recovery Advisory Council established by this Act, shall administer the Fund.

5 (f) In administering the Fund, the Office of the Attorney General may  
6 establish internal accounts to segregate funds received from different judgments or  
7 settlement agreements to the extent that different judgments or settlement  
8 agreements direct specific allocation of expenditures.

9 **§ 221703. Eligible Expenditures.**

10 (a) Monies in the Fund shall be expended to mitigate the impacts of the  
11 opioid epidemic on Guam, including, but not limited to, expanding access to opioid  
12 use disorder prevention, intervention, treatment, and recovery options. Monies in the  
13 Fund may be expended to support reasonable costs associated with the  
14 administration of the Fund, including to offset the costs of legal and administrative  
15 burdens imposed upon the Attorney General's Office, which shall not exceed ten  
16 percent (10%) of the total annual deposits into the Fund.

17 (b) Any funds appropriated, expended, or distributed from the Opioid  
18 Recovery Trust Fund shall be spent in accordance with the terms of any verdict,  
19 judgment, compromise, or settlement in or out of court, of any case or controversy  
20 brought pursuant to the Deceptive Trade Practices - Consumer Protection Act or any  
21 other law relating to the manufacturing, marketing, distributing, promoting, or  
22 dispensing of opioids.

23 **§ 221704. Opioid Recovery Advisory Council.**

24 (a) There shall be an Opioid Recovery Advisory Council (Council)  
25 established to determine the allocation or expenditures of the Fund.

1 (b) The Council shall consist of the following eleven (11) members, which  
2 shall include nine (9) voting members, one (1) non-voting member, and one (1) non-  
3 voting member chairperson:

4 (1) the Attorney General, or designee, shall serve as the non-voting  
5 chairperson;

6 (2) the Director, or designee, of the Guam Behavioral Health and  
7 Wellness Center;

8 (3) the Director, or designee, of the Department of Public Health and  
9 Social Services;

10 (4) the Administrator of the Courts, or designee, of the Judiciary of  
11 Guam, who shall serve as a non-voting member;

12 (5) the Administrator, or designee, of the Guam Memorial Hospital  
13 Authority;

14 (6) one (1) member appointed by *I Maga'hāgan Guāhan*, who is  
15 qualified by experience with opioid use disorder, either first-hand or as a  
16 family member of an individual with opioid use disorder;

17 (7) one (1) member appointed by *I Maga'hāgan Guāhan*, who is  
18 qualified by experience with working as or with direct service providers or  
19 non-profit organizations;

20 (8) one (1) member appointed by the Speaker of *I Liheslaturan*  
21 *Guāhan*;

22 (9) one (1) member appointed by the Minority Leader of *I*  
23 *Liheslaturan Guāhan*;

24 (10) one (1) member appointed by the Mayors Council of Guam, who  
25 is qualified by experience with opioid use disorder, either first-hand or as a  
26 family member of an individual with opioid use disorder; and

1           (11) the Executive Director, or designee, of the Public Defender  
2       Service Corporation.

3       (c) In making appointments, appointing authorities shall consider having  
4       racially and socioeconomically diverse representation on the Council.

5       (d) A majority of voting members shall constitute a quorum.  
6       Determinations shall be made upon a majority vote.

7       (e) The Council shall hold no fewer than two (2) meetings annually, subject  
8       to the provisions of 5 GCA Chapter 8 - *the Open Government Law of Guam*.

9       (f) Council members shall serve for terms of three (3) years, and any  
10       member shall be eligible for reappointment. In the event of a vacancy, the original  
11       appointing authority shall appoint a new member to fulfill the remainder of the  
12       unexpired term. Any member who is appointed may be removed by the appointing  
13       authority upon written notice to the chairperson.

14       (g) Council members shall serve without compensation.

15       (h) In making determinations for expenditures of the Fund, Council  
16       members shall consider programs, including, but not limited to, those:

17           (1) to prevent substance use disorders through an evidence-based  
18           youth-focused public health education and prevention campaign, including  
19           school-based prevention and health care services and programs to reduce the  
20           risk of substance use by school-aged children;

21           (2) to develop and implement public education campaigns to reduce  
22           stigma against individuals with a substance use disorder, provide information  
23           about the risks of substance use, best practices for addressing substance use  
24           disorders, and information on how to locate services that reduce the adverse  
25           health consequences associated with substance use disorders or provide  
26           treatment for substance use disorders;

1           (3) to provide substance use disorder treatment and early recovery  
2 programs for youth and adults, with an emphasis on programs that provide a  
3 continuum of care that includes screening and assessment for substance use  
4 disorders and co-occurring disorders, active treatment, family involvement,  
5 case management, relapse management for substance use and other co-  
6 occurring behavioral health disorders, vocational services, literacy services,  
7 parenting classes, family therapy and counseling services, crisis services,  
8 recovery services, evidence-based treatments, medication-assisted treatments,  
9 including medication assisted treatment provided in correctional facilities,  
10 psychiatric medication, psychotherapy, and transitional services programs;

11           (4) to provide harm reduction counseling and services to reduce the  
12 adverse health consequences associated with substance use disorders,  
13 including overdose prevention and prevention of communicable diseases  
14 related to substance use, provided by a substance use disorder service provider  
15 or qualified community-based organization;

16           (5) to provide housing services for people who are recovering from  
17 a substance use disorder. Such housing services shall be appropriate, based on  
18 the individual's current need and stage of recovery. Such housing services  
19 may include, but are not limited to, supportive housing services;

20           (6) to support community-based or diversion programs that reduce  
21 the likelihood of criminal justice involvement for individuals who have or are  
22 at risk of having a substance use disorder;

23           (7) to provide programs for pregnant women and new parents who  
24 currently or formerly have had a substance use disorder, and newborns with  
25 neonatal abstinence syndrome; and

26           (8) to provide vocational and educational training for individuals  
27 with, or at risk for, a substance use disorder.

1           **§ 221705. Reporting Requirements.**

2           Annually, no later than October 31, the Office of the Attorney General shall  
3 submit a report on the activity, revenue, and expenditures to and from the Fund to *I*  
4 *Maga'hāgan Guāhan* and the Speaker of *I Liheslaturan Guāhan*. The report shall  
5 also be posted on the OAG website. The report shall include, but not be limited to:

6           (a) the revenue credited to the Fund;

7           (b) the amount of expenditures attributable to the administrative costs of  
8 administering the Fund, including administrative support to the OAG and the  
9 Council;

10          (c) an itemized list of expenditures; and

11          (d) data and an assessment of the effectiveness of activities funded.

12           **§ 221706. Designation of OAG as Single Agency.**

13           The Office of the Attorney General is designated as the single agency for  
14 Guam relative to bringing claims against entities for manufacturing, marketing,  
15 distributing, promoting, or dispensing of opioids pursuant to Guam law, including,  
16 but not limited to, the Deceptive Trade Practices - Consumer Protection Act.

17           **§ 221707. Annual Audit.**

18           The Office of Public Accountability (OPA) shall perform an annual audit of  
19 the Opioid Recovery Trust Fund and the compliance of the Opioid Recovery  
20 Advisory Council with the expenditure of such funds within the Fund in accordance  
21 with the administration and exclusive purposes of this Article. Said audit shall  
22 include, but is not limited to, the revenues of the Fund and the expenditures from the  
23 Fund. The OPA shall prepare and provide a written report of compliance to *I*  
24 *Maga'hāgan Guāhan* and the Speaker of *I Liheslaturan Guāhan* no later than  
25 seventy-five (75) days after the end of the fiscal year.

26           **§ 221708. Submission of Spending Plan.**

1           The Opioid Recovery Advisory Council shall submit a detailed spending plan  
2 for the Opioid Recovery Trust Fund for Fiscal Years 2022 and 2023, to the Speaker  
3 of *I Liheslaturan Guåhan* no later than August 1, 2022. The Opioid Recovery  
4 Advisory Council shall submit annually, a detailed spending plan for the Opioid  
5 Recovery Trust Fund for every subsequent fiscal year to the Speaker of *I*  
6 *Liheslaturan Guåhan* no later than August 1<sup>st</sup> of each year.”

7           **Section 3. Effective Date.** This Act shall be effective upon enactment.