

HOUSE BILL REPORT

ESHB 2786

As Passed House:
February 16, 2020

Title: An act relating to establishing the opioid epidemic response advisory council.

Brief Description: Establishing the opioid epidemic response advisory council.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist).

Brief History:

Committee Activity:

Appropriations: 1/29/20, 2/3/20 [DPS].

Floor Activity:

Passed House: 2/16/20, 68-28.

Brief Summary of Engrossed Substitute Bill

- Creates the Opioid Epidemic Response Advisory Council (Council).
- Requires the Attorney General (AG) to appoint members to the Council.
- Requires the AG to convene the Council to make recommendations to the Office of Financial Management and the Legislature on the distribution and use of penalties received as a result of litigation against an opioid manufacturer or distributor.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Hudgins, Kilduff, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Senn, Springer, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier, Chandler, Corry, Dye, Hoff, Kraft, Schmick, Steele, Sutherland and Ybarra.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Without recommendation. Signed by 1 member: Representative Rude, Assistant Ranking Minority Member.

Staff: Jessica Van Horne (786-7288).

Background:

The state Consumer Protection Act (CPA) prohibits unfair or deceptive acts or practices in trade or commerce. The Attorney General (AG) may bring a civil action on behalf of the state or persons residing in the state against persons and corporations who have violated the CPA, and petition for an award of the state's reasonable costs and attorney's fees, restitution for consumers, and civil penalties.

The AG has filed several lawsuits against manufacturers and distributors of opioids under the CPA and is involved in litigation against the following parties:

- Purdue Pharma, an opioid manufacturer, beginning in 2017;
- McKesson Corporation, Cardinal Health Incorporated, and AmerisourceBergen Drug Corporation, opioid distributors, beginning in 2019; and
- Johnson & Johnson, an opioid manufacturer, beginning in 2020.

Summary of Engrossed Substitute Bill:

The Opioid Epidemic Response Advisory Council (Council) is created. The role of the Council is to advise the Legislature on the expenditure of financial penalties received by the state as a result of litigation against an opioid manufacturer or distributor relating to acts or omissions by the manufacturer or distributor that contributed to increased rates of opioid addition in the state.

The AG must appoint Council members to represent a range of groups, including certain types of health care providers, local governments, the judiciary, and individuals that meet certain conditions. The AG must also invite two tribal members to participate on the Council. The Department of Labor and Industries (LNI), the Department of Health (DOH), the Health Care Authority (HCA), and the Department of Corrections (DOC) shall each appoint one nonvoting member to the Council.

Within 30 days of the state's receiving penalty revenues as a result of litigation against an opioid manufacturer or distributor, the AG shall convene the Council. The Council shall submit recommendations to the Office of Financial Management and the fiscal committees of the Legislature on how to expend the penalty revenue received.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill addresses a concern around how the state should use funds received as a result of litigation against opioid manufacturers and distributors in a way that will address the opioid crisis and serve victims of the epidemic. Opioid addiction can have devastating consequences for victims and their families, including separation and death. This includes the children of parents who have an opioid addiction. State-funded programs for addiction treatment can make a significant impact, but are not easily accessible. The Council will help make the most of financial penalties paid by opioid manufacturers and distributors, and ensure they are distributed to have the greatest impact possible, such as funding additional addiction treatment programs. The number of Council members will bring a range of experiences and viewpoints to the decision-making process.

Substance abuse prevention organizations support the bill and its approach. Because the Council will discuss options to fund prevention activities, prevention organizations would like to see a representative from a statewide substance abuse prevention organization on the Council.

(Opposed) None.

Persons Testifying: Representative Robinson, prime sponsor; Lindsey Arrington, Hope Soldiers; Melissa McGee; Jackson Greinke; and Seth Dawson, Washington Association for Substance Abuse Prevention.

Persons Signed In To Testify But Not Testifying: None.