

SENATE BILL REPORT

ESHB 2786

As Reported by Senate Committee On:
Ways & Means, March 2, 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: Passed House: 2/16/20, 68-28.

Committee Activity: Ways & Means: 2/26/20, 3/02/20 [DP, DNP, w/oRec].

Brief Summary of Bill

- Requires the attorney general to create and appoint members to the Opioid Epidemic Response Advisory Council (Council).
- Requires the Council to convene within 30 days of receipt of penalties from litigation against opioid manufacturers or distributors to make recommendations to the Legislature on the penalties.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Liias, Muzzall, Pedersen and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Warnick and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Becker, Schoesler and Wagoner.

Staff: Julie Murray (786-7711)

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.

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 Bill: The Opioid Epidemic Response Advisory Council (Council) is created 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 addiction in the state. The AG must appoint Council members including certain types of health care providers, local governments, Tribes, the judiciary, child and parent groups, and other individuals or groups directly or indirectly affected by the opioid epidemic. The Department of Labor and Industries, the Department of Health, the Health Care Authority, and the Department of Corrections 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 to submit recommendations to the Office of Financial Management and the fiscal committees of the Legislature on how to expend the penalty revenue.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill's purpose is to fulfill the state's fiduciary responsibility to protect any penalties the state may receive from litigation and to create a council of individual's most affected by the opioid crisis and give them a voice. Funds need to be put in the hands of the people that can help those fighting the opioid crisis. We especially like the strong nexus the bill maintains between the source of the funding in question, the reasons it would be obtained, and the purposes to which it should be allocated.

Persons Testifying: PRO: Seth Dawson, Washington Association for Substance Abuse Prevention; Lindsey Arrington, citizen; John Mirante, citizen.

Persons Signed In To Testify But Not Testifying: No one.