

To: Professor Kealy
From: Michael Murphy
Re: Legislative History Project
Date: December 22, 2022

Memorandum

I. Introduction:

The purpose of this memorandum is to summarize the process used to compile the legislative history of H.5129, [AN ACT ESTABLISHING THE OPIOID RECOVERY AND REMEDIATION TRUST FUND](#). The purpose of this act was to mitigate the impacts of the opioid abuse epidemic by establishing a trust fund within the state's budget to hold money for expenditures aimed at improving opioid use prevention, intervention, and recovery options. The fund may receive settlement money from opioid-related legislation, as well as gifts, grants, and donations from public or private sources.

II. Procedural History and Bill Versions:

I used the Massachusetts legislature website to track the different versions of the bill. Three separate versions of the bill were considered by the legislature between November 6, 2020 and January 5, 2021. The first appearance of the bill occurs in an appropriations bill, H.5102, [AN ACT MAKING APPROPRIATIONS FOR FISCAL YEAR 2020 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS](#). On November 6, 2020, the opioid trust recovery language was enacted as Section 3 of the appropriations bill. The appropriations bill was enacted and laid before the governor on November 6, 2020. On November 10, the Governor signed the majority of the appropriations bill but returned section 3 with a recommendation for amendment. On November 19, 2021, the bill was referred to the committee on House Bills in the Third Reading and considered independently as H.5129. On January 4, 2021, the House accepted the governor's amendment in H.5238 which was substituted for H.5129. The house and senate re-enacted the amended H.5129 on January 5, 2021 and laid it before the governor. The governor signed the bill on January, 11, 2021.

III. Committee Materials:

I was not able to identify any committee documents pertaining to H.5129. There is no testimony contained on MassTrac, or any other internet sources. Similarly, there are no summaries, redrafts, or letters of support pertaining to this bill that are publicly available. I contacted staff members for state representatives and senators on the Committee on Mental Health and Substance Abuse for their insight on how to obtain these materials. No person was aware of any such materials. The Chief of Staff for Sen. Julian Cyr, the Senate Chair of the Committee, expressed her belief that no such materials would likely be available. Two staff members for Rep. Adrian Madaro, the House Chair of the Committee, recommended reaching out Rep. Marjorie Decker's office as she was the former House Chair of the Committee. I have reached out to both Rep. Decker and her Chief of Staff but have not received responses. I will update my materials if Rep. Decker or her staff respond to me with relevant information.

The only tangentially relevant piece of information I was able to identify was a piece of lobbying data that indicated Alkermes, a pharmaceutical company in Waltham, supported H.5238.

IV. Floor Documents:

I identified recorded sessions of the House and Senate where this bill was mentioned or discussed. There are five in total. I used State House News Service's summaries to identify the dates this bill was mentioned. I then used the video archives contained on the Massachusetts legislature's website to view the sessions. Some mentions of the bill were purely procedural. Others revealed useful information about the intent of the bill. For example, on January 5, 2021, Sen. Rodrigues stated that "the trust fund provides better flexibility in how funds are expended. This assists our attorney general in her efforts to bring those responsible for the opioid epidemic to justice." Sen. Rodrigues, had previously stated on November 4, 2020, that the opioid recovery fund was being established "to accept opioid manufacturer and distributor settlement funds. . . . [T]his section[] will ensure us in the fight against the opioid epidemic and ensure that families can seek the justice they so rightly deserve."

No other floor materials, such as floor votes, are publicly available.

V. Executive Action Documents:

After Governor Baker returned section 3 of the appropriations bill with amendments, he attached a letter explaining his decision. I obtained that letter from the Massachusetts legislature's website. The governor expressed his support for the measure but observed that the original language of the bill removed the opioid-related funds from the existing Massachusetts budget process. He expressed that "it is important that the amounts recovered can be utilized in the context of the full Commonwealth budget"

VI. Press Reports:

This bill received minimal press coverage. Aside from State House News Service, which summarized activity related to this bill on several occasions between November 2020 and January 2021, only several local outlets covered the bill after it became law. The opioid trust fund received additional press coverage in July 2021 after Massachusetts earned \$90 million dollars in settlement funds from legislation involving the owners of Purdue Pharma. That lawsuit was initiated by Massachusetts Attorney General Maura Healy. The press noted that the \$90 million would be deposited into the opioid trust fund and that the advisory council that oversees its distribution would have "more flexibility in developing a strategy to combat substance use disorder than would typically exist through the normal annual appropriations process."