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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend title XIX of the Social Security Act to prohibit the Secretary of Health and Human Services from treating any Medicaid-related funds recovered from one or more pharmaceutical companies or drug distributors with respect to opioid litigation as an overpayment under such title, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MCKINLEY introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title XIX of the Social Security Act to prohibit the Secretary of Health and Human Services from treating any Medicaid-related funds recovered from one or more pharmaceutical companies or drug distributors with respect to opioid litigation as an overpayment under such title, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Opioid Settlement Ac-
3 countability Act”.

4 **SEC. 2. PROHIBITION ON TREATING ANY MEDICAID-RE-**
5 **LATED FUNDS RECOVERED FROM ONE OR**
6 **MORE PHARMACEUTICAL COMPANIES OR**
7 **DRUG DISTRIBUTORS WITH RESPECT TO**
8 **OPIOID LITIGATION AS AN OVERPAYMENT.**

9 (a) IN GENERAL.—Section 1903(d)(3) of the Social
10 Security Act (42 U.S.C. 1396(d)(3)) is amended by add-
11 ing at the end the following new subparagraph:

12 “(C)(i) Subparagraph (A) and paragraph (2)(B) may
13 not apply to any amount recovered or paid to a State on
14 or after December 31, 2023, as a part of a comprehensive
15 settlement of opioid litigation between pharmaceutical
16 manufacturers (as defined in the second sentence of sec-
17 tion 102(15) of the Controlled Substances Act) or drug
18 distributors (as defined in the second sentence of section
19 102(12) of such Act) and State attorneys general, or as
20 a part of any individual State settlement or judgement
21 reached in such litigation initiated or pursued by a State
22 against one or more such companies or distributors.

23 “(ii) A State shall use amounts recovered or paid to
24 the State as a part of comprehensive or individual settle-
25 ment, or a judgement, described in clause (i) for—

1 “(I) supporting access to treatment (including
2 medication assisted treatment) and health care serv-
3 ices (including services provided by Federally cer-
4 tified opioid treatment programs or other appro-
5 priate health care providers to treat individuals with
6 opioid use disorder and subsequent support and
7 wrap around services that encourage employment
8 and reintegration to society);

9 “(II) education related to opioid use disorder;

10 “(III) implementing prevention activities, in-
11 cluding the reduction of the furnishing of opioids by
12 health care practitioners and introduction of non-
13 opioid pain management approaches;

14 “(IV) training for health care practitioners with
15 respect to best practices for prescribing opioids, pain
16 management, educating patients of the risk of opioid
17 use to treat chronic and acute conditions, recog-
18 nizing potential cases of substance abuse, referral of
19 patients to treatment programs, and overdose pre-
20 vention;

21 “(V) supporting State and Federal law enforce-
22 ment actions and first responder capital equipment
23 relating to the illegal distribution of opioids and
24 opioid analogues; and

1 “(VI) any other public health-related activities
2 and social support services (including housing, em-
3 ployment, child-well being, criminal justice, and
4 emergency management) relating to addressing the
5 opioid abuse crisis within such State, as such State
6 determines appropriate; and
7 evaluating at least one of the activities described in this
8 clause to identify effective strategies to prevent opioid
9 abuse and substance abuse disorders.”.

10 (b) **RETROACTIVE EFFECTIVE DATE.**—The amend-
11 ment made by this section shall take effect as if enacted
12 on January 1, 2019.