

1.1 moves to amend H.F. No. 400 as follows:

1.2 Page 1, after line 14, insert:

1.3 "Section 1. Minnesota Statutes 2018, section 16A.151, subdivision 2, is amended to read:

1.4 Subd. 2. **Exceptions.** (a) If a state official litigates or settles a matter on behalf of specific
1.5 injured persons or entities, this section does not prohibit distribution of money to the specific
1.6 injured persons or entities on whose behalf the litigation or settlement efforts were initiated.
1.7 If money recovered on behalf of injured persons or entities cannot reasonably be distributed
1.8 to those persons or entities because they cannot readily be located or identified or because
1.9 the cost of distributing the money would outweigh the benefit to the persons or entities, the
1.10 money must be paid into the general fund.

1.11 (b) Money recovered on behalf of a fund in the state treasury other than the general fund
1.12 may be deposited in that fund.

1.13 (c) This section does not prohibit a state official from distributing money to a person or
1.14 entity other than the state in litigation or potential litigation in which the state is a defendant
1.15 or potential defendant.

1.16 (d) State agencies may accept funds as directed by a federal court for any restitution or
1.17 monetary penalty under United States Code, title 18, section 3663(a)(3) or United States
1.18 Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue
1.19 account and are appropriated to the commissioner of the agency for the purpose as directed
1.20 by the federal court.

1.21 (e) Tobacco settlement revenues as defined in section 16A.98, subdivision 1, paragraph
1.22 (t), may be deposited as provided in section 16A.98, subdivision 12.

1.23 (f) Any revenues received by the state from the settlement of legal proceedings against
1.24 opioid manufacturers (State of Minnesota by its Attorney General Keith Ellison v. Purdue

2.1 Pharma, LP, et al., No. 27-CV-10788, Fourth Judicial District) shall be deposited into the
2.2 opioid stewardship account established under section 151.256."

2.3 Page 1, line 24, after the period, insert "The board may assess a late fee of ten percent
2.4 per month for every portion of a month that the registration fee is paid after the due date."

2.5 Page 5, line 9, delete "semiannually" and insert "on a quarterly basis"

2.6 Page 5, line 17, after "in the" insert "state government"

2.7 Page 5, line 20, delete everything after "account"

2.8 Page 5, line 21, delete everything before "shall"

2.9 Page 5, delete lines 25 to 27 and insert "account is appropriated to the commissioner of
2.10 human services, to be distributed, in consultation with the Opioid Advisory Council, as
2.11 grants or other funding, or as transfers to the Department of Health and other state agencies,
2.12 as determined appropriate to address the opioid epidemic in the state. The commissioner
2.13 may retain up to five percent of the appropriation for administrative costs of implementing
2.14 this paragraph and for administrative costs related to the Opioid Stewardship Advisory
2.15 Council. The commissioner, in consultation with the advisory council, may provide additional
2.16 appropriations for the initiatives funded in article 6. Each recipient of grants or funding"

2.17 Page 6, line 13, after the period, insert "The board may assess a late fee of ten percent
2.18 per month for every portion of a month that the registration fee is paid after the due date."

2.19 Page 7, line 1, delete "\$100" and insert "\$500"

2.20 Page 7, line 9, after the period, insert "The report must include the name of the
2.21 manufacturer or wholesaler from which the owner of the pharmacy ultimately purchased
2.22 the opiate, and the amount and date that the purchases occurred."

2.23 Page 8, delete lines 6 to 8

2.24 Page 8, line 9, delete "(d)" and insert "(c)"

2.25 Page 8, delete lines 29 to 34

2.26 Page 11, delete section 3, and insert:

2.27 "Sec. 3. [144.348] VOLUNTARY NONOPIOID DIRECTIVE.

2.28 Subdivision 1. Definitions. (a) For purposes of this section, the following definitions
2.29 apply.

2.30 (b) "Commissioner" means the commissioner of health.

3.1 (c) "Opioid" means any product containing opium or opiates listed in section 152.02,
3.2 subdivision 3, paragraphs (b) and (c); any product containing narcotics listed in section
3.3 152.02, subdivision 4, paragraphs (e) and (h); or any product containing narcotic drugs
3.4 listed in section 152.02, subdivision 5, paragraph (b), other than products containing
3.5 difenoxin or eluxadoline.

3.6 Subd. 2. **Execution of directive.** (a) An individual who is 18 years of age or older or
3.7 an emancipated minor, a parent or legal guardian of a minor, or an individual's guardian or
3.8 other person appointed by the individual or the court to manage the individual's health care
3.9 may execute a voluntary nonopioid directive instructing health care providers that an opioid
3.10 may not be administered or prescribed to the individual or the minor. The directive must
3.11 be in the format prescribed by the commissioner. The person executing the directive may
3.12 submit the directive to a health care provider or hospital.

3.13 (b) An individual executing a directive may revoke the directive at any time in writing
3.14 or orally.

3.15 Subd. 3. **Duties of the commissioner.** (a) The commissioner shall adopt rules establishing
3.16 requirements related to the use of voluntary nonopioid health care directives. The
3.17 requirements must address:

3.18 (1) verification by a health care provider and comply with the written consent
3.19 requirements under United States Code, title 42, section 290dd-2(b);

3.20 (2) standard procedures for the person executing a directive to use when submitting the
3.21 directive to a health care provider or hospital;

3.22 (3) procedures to include the directive in the individual's medical record or interoperable
3.23 electronic health record, and to submit the directive to the prescription monitoring program
3.24 database;

3.25 (4) procedures to modify, override, or revoke a directive;

3.26 (5) exemptions for the administration of naloxone or other opioid overdose drugs in an
3.27 emergency situation;

3.28 (6) confidentiality of a voluntary nonopioid directive; and

3.29 (7) exemptions for an opioid used to treat substance abuse or opioid dependence.

3.30 Subd. 4. **Exemption from liability.** (a) A health care provider, a hospital, or an employee
3.31 of a health care provider or hospital may not be subject to disciplinary action by the health
3.32 care provider's or employee's professional licensing board or held civilly or criminally liable

4.1 for failure to administer, prescribe, or dispense an opioid, or for inadvertent administration
4.2 of an opioid, to an individual or minor who has a voluntary nonopioid directive.

4.3 (b) A prescription presented to a pharmacy is presumed to be valid, and a pharmacist
4.4 may not be subject to disciplinary action by the pharmacist's professional licensing board
4.5 or held civilly or criminally liable for dispensing an opioid in contradiction to an individual's
4.6 or minor's voluntary nonopioid directive.

4.7 Subd. 5. **Construction.** Nothing in this section shall be construed to:

4.8 (1) alter a health care directive under chapter 145C;

4.9 (2) limit the prescribing, dispensing, or administering of an opioid overdose drug; or

4.10 (3) limit an authorized health care provider or pharmacist from prescribing, dispensing,
4.11 or administering an opioid for the treatment of substance abuse or opioid dependence."

4.12 Page 13, line 17, after "by" insert "the Minnesota Pollution Control Agency, in
4.13 consultation with" and delete everything after the period

4.14 Page 13, delete lines 18 and 19

4.15 Page 15, line 15, after the period, insert "The commissioner shall determine the maximum
4.16 award for grants."

4.17 Page 15, line 19, delete "For each grant cycle,"

4.18 Page 15, line 25, after "to" insert "culturally appropriate"

4.19 Page 15, line 31, after "finance" insert ", by December 15, 2020"

4.20 Page 16, delete Article 5

4.21 Page 18, line 14, after the period, insert "All appropriations in this section are onetime,
4.22 unless otherwise specified."

4.23 Page 18, line 26, delete everything after "organizations"

4.24 Page 18, line 27, delete everything before "for"

4.25 Page 18, line 29, after the semicolon insert "and"

4.26 Page 18, line 31, delete everything after "2019" and insert ". This appropriation is ongoing
4.27 and is added to the agency base."

4.28 Page 19, delete lines 1 and 2

4.29 Page 19, delete subdivision 2 and insert:

5.1 "Subd. 2. **Opioid prevention pilot project.** \$..... in fiscal year 2020 is appropriated
5.2 from the opioid stewardship account in the state government special revenue fund to the
5.3 commissioner of health to continue and expand opioid abuse prevention pilot projects under
5.4 Laws 2017, First Special Session chapter 6, article 10, section 144. This is a onetime
5.5 appropriation."

5.6 Page 19, after line 32, insert:

5.7 "Subd. 4. **Culturally specific opioid addiction prevention and treatment programs.** (a)
5.8 \$..... is appropriated from the opioid stewardship account in the state government special
5.9 revenue fund to the commissioner of health, to award, beginning July 1, 2019, five-year
5.10 grants to: (1) tribal governments; and (2) American Indian organizations providing services
5.11 to American Indians residing in urban areas of the state. Grant dollars may be used to design,
5.12 implement, and evaluate culturally specific opioid addiction prevention and treatment
5.13 programs, or to expand or modify existing programs. Program design, implementation,
5.14 expansion, modification, and evaluation shall be conducted by tribal health and elected
5.15 leaders, and the leaders of American Indian organizations awarded grants. These leaders
5.16 shall also determine which strategies and activities are culturally appropriate. The
5.17 commissioner shall provide the tribes and organizations awarded grants with technical
5.18 assistance. Grants awards may be used to support competitive compensation for staff
5.19 members and to pay for fringe, indirect, training and continued education, travel, supply,
5.20 and evaluation costs.

5.21 (b) The commissioner shall provide grants of \$..... per fiscal year per tribe, and each
5.22 fiscal year shall apportion an additional \$..... among the tribes based on the number of
5.23 tribal members.

5.24 (c) The commissioner shall award grants to American Indian organizations providing
5.25 services in urban areas, using a competitive request for proposal process. A grant to an
5.26 organization shall not exceed \$..... per fiscal year."

5.27 Page 20, line 7, after the period, insert "This is a onetime appropriation."

5.28 Page 21, line 21, delete everything after the period

5.29 Page 21, delete line 22

5.30 Page 21, delete section 6

5.31 Renumber the sections in sequence and correct the internal references

5.32 Amend the title accordingly