

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2021 (FIRST) Regular Session**  
**VOTING RECORD**

Bill No. 204-36 (LS) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 15, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje					✓	✓
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres	✓					

**TOTAL**

**12**

**1**

**2**

**2**

Aye

Nay

Not  
Voting/  
Abstained

Out  
During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V.C. MENO  
Clerk of the Legislature

I = Pass

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**2021 (FIRST) Regular Session**

**Bill No. 204-36 (LS)**

As amended by the Committee on General Government Operations, Appropriations and Housing; and further amended in the Committee of the Whole.

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Introduced by:

Amanda L. Shelton  
Telena Cruz Nelson  
Tina Rose Muña Barnes  
Mary Camacho Torres  
Clynton E. Ridgell  
James C. Moylan  
Joe S. San Agustin  
Jose “Pedo” Terlaje  
Christopher M. Dueñas

**AN ACT TO *ADD* A NEW ARTICLE 17 TO CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN “OPIOID RECOVERY TRUST FUND”; TO DIRECT ALL OPIOID LITIGATION MONIES ENTITLED TO GUAM INTO SUCH FUND; AND TO ESTABLISH THE “OPIOID RECOVERY ADVISORY COUNCIL”; TO BE KNOWN AS THE “*OPIOID PREVENTION AND TREATMENT ACT.*”**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that states, state subdivisions, and territories have filed suit against entities that  
4 manufactured, sold, distributed, dispensed, or promoted opioid use for unlawful

1 business practices that have contributed to the opioid epidemic in the United States.  
2 Nearly four thousand (4,000) claims have been filed in federal and state courts by  
3 states, local governments, and territories across the country against several  
4 defendants, including notable companies such as Purdue Pharma LP; Johnson &  
5 Johnson; and the three (3) largest pharmaceutical distributors in the United States,  
6 namely Cardinal Health, McKesson, and AmerisourceBergen. Plaintiffs seek  
7 punitive damages and recovery of costs associated with the treatment, prevention,  
8 prosecution, and detection of opioid use.

9 *I Liheslatura* further finds that attorneys general across the country have led  
10 successful efforts to organize this extensive multi-district litigation. As a result of  
11 these efforts, national opioid settlements will total approximately Twenty-six Billion  
12 Dollars (\$26,000,000,000). Through the Office of the Attorney General of Guam,  
13 Guam has been represented and actively participated in litigation and settlement  
14 discussions. As a result of this work, Guam anticipates receiving upwards of Ten  
15 Million Dollars (\$10,000,000), the largest non-tobacco settlement the island has ever  
16 received, to be spent on the treatment and prevention of opioid abuse and co-  
17 occurring substance abuse disorders or mental health conditions.

18 *I Liheslatura* further finds that in 2019, Guam's Attorney General sued Purdue  
19 Pharmaceuticals, the manufacturer of OxyContin, claiming that between the years  
20 2015 and 2019, over ninety-seven thousand eight hundred twenty-one (97,821)  
21 opioid prescriptions were issued, and from 2018 to the time of the complaint, over  
22 two hundred (200) doses of Naloxone, a medication used to reverse opioid  
23 overdoses, were administered. The claim further states that Purdue Pharma used  
24 deceptive marketing by knowingly misrepresenting to the medical community and  
25 patients that opioids were safe, actions partly creating and fueling the opioid  
26 epidemic on Guam.

1 *I Liheslatura* further finds that to ensure that Guam is better able to effectively  
2 prevent and reduce opioid addiction, reduce overdose deaths, and mitigate the  
3 problems arising as a result of the opioid epidemic, it is both reasonable and  
4 necessary to create a trust fund, dedicate monies to the fund, and establish an  
5 advisory council to determine spending strategy.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to add a new Article 17 to  
7 Chapter 22 of Title 5, Guam Code Annotated, to (1) establish the Opioid Recovery  
8 Trust Fund (Fund) to receive all monies obtained through opioid litigation; (2)  
9 dedicate the monies deposited in the Fund for use in facilitating and expanding  
10 Guam's substance use disorder prevention and treatment efforts in line with relevant  
11 judgments, court orders, agreements, etc.; and (3) establish an Opioid Recovery  
12 Advisory Council to set a spending strategy based on identifiable needs and to  
13 consult and advise on adaptations to said strategy based on changing community  
14 needs.

15 **Section 2.** A new Article 17 is hereby *added* to Chapter 22 of Title 5, Guam  
16 Code Annotated, to read:

17 **“ARTICLE 17**

18 **OPIOID PREVENTION AND TREATMENT ACT**

19 § 221701. Title and Purpose.

20 § 221702. Opioid Recovery Trust Fund.

21 § 221703. Eligible Expenditures.

22 § 221704. Opioid Recovery Advisory Council.

23 § 221705. Reporting Requirements.

24 § 221706. Designation of OAG as Single Agency.

25 § 221707. Annual Audit.

26 § 221708. Submission of Spending Plan.

27 **§ 221701. Title and Purpose.**

1           This Act shall be known as the “*Opioid Prevention and Treatment Act.*” The  
2 purpose of this Act is to provide for the use of dedicated revenue for treatment and  
3 prevention of opioid use disorder and co-occurring disorders.

4           **§ 221702. Opioid Recovery Trust Fund.**

5           (a) There is hereby created the Opioid Recovery Trust Fund (Fund), which  
6 shall be maintained separate and apart from any other funds of the Government of  
7 Guam, including the General Fund. The Fund shall be a continuing fund; amounts  
8 credited to the Fund shall not be subject to further appropriation and monies  
9 remaining in the Fund at the end of a fiscal year shall not be transferred to the  
10 General Fund. The Fund shall not be subject to any transfer authority of *I*  
11 *Maga'hågan Guåhan.*

12           (b) The Fund shall include all money, payments, or other things of value in  
13 the nature of civil damages or other payment, except criminal penalties, received on  
14 behalf of Guam by the Office of the Attorney General (OAG) of Guam relating to  
15 the manufacturing, marketing, distributing, promoting, or dispensing of opioids,  
16 whether such is received by way of verdict, judgment, compromise, or settlement in  
17 or out of court, of any case or controversy. The Fund shall also include any interest  
18 earned on such amounts.

19           (c) Monies in the Fund shall be used to supplement and not supplant or  
20 replace any other funds, including federal or local funding, which would otherwise  
21 have been expended for substance use disorder prevention, treatment, recovery or  
22 harm reduction services or programs. Further, general operating funds or baseline  
23 funding shall not be reduced due to monies expended from the Fund.

24           (d) The Office of the Attorney General shall promptly remit all money,  
25 payments, or other things of value to the Treasurer of Guam for credit to the Fund.

26           (e) The Office of the Attorney General, in consultation with the Opioid  
27 Recovery Advisory Council established by this Act, shall administer the Fund.

1 (f) In administering the Fund, the Office of the Attorney General may  
2 establish internal accounts to segregate funds received from different judgments or  
3 settlement agreements to the extent that different judgments or settlement  
4 agreements direct specific allocation of expenditures.

5 **§ 221703. Eligible Expenditures.**

6 (a) Monies in the Fund shall be expended to mitigate the impacts of the  
7 opioid epidemic on Guam, including, but not limited to, expanding access to opioid  
8 use disorder prevention, intervention, treatment, and recovery options. Monies in the  
9 Fund may be expended to support reasonable costs associated with the  
10 administration of the Fund, including to offset the costs of legal and administrative  
11 burdens imposed upon the Attorney General’s Office, which shall not exceed ten  
12 percent (10%) of the total annual deposits into the Fund.

13 (b) Any funds appropriated, expended, or distributed from the Opioid  
14 Recovery Trust Fund shall be spent in accordance with the terms of any verdict,  
15 judgment, compromise, or settlement in or out of court, of any case or controversy  
16 brought pursuant to the Deceptive Trade Practices - Consumer Protection Act or any  
17 other law relating to the manufacturing, marketing, distributing, promoting, or  
18 dispensing of opioids.

19 **§ 221704. Opioid Recovery Advisory Council.**

20 (a) There shall be an Opioid Recovery Advisory Council (Council)  
21 established to determine the allocation or expenditures of the Fund.

22 (b) The Council shall consist of the following eleven (11) members, which  
23 shall include nine (9) voting members, one (1) non-voting member, and one (1) non-  
24 voting member chairperson:

- 25 (1) the Attorney General, or designee, shall serve as the non-voting  
26 chairperson;

1           (2) the Director, or designee, of the Guam Behavioral Health and  
2 Wellness Center;

3           (3) the Director, or designee, of the Department of Public Health and  
4 Social Services;

5           (4) the Administrator of the Courts, or designee, of the Judiciary of  
6 Guam, who shall serve as a non-voting member;

7           (5) the Administrator, or designee, of the Guam Memorial Hospital  
8 Authority;

9           (6) one (1) member appointed by *I Maga'hågan Guåhan*, who is  
10 qualified by experience with opioid use disorder, either first-hand or as a  
11 family member of an individual with opioid use disorder;

12           (7) one (1) member appointed by *I Maga'hågan Guåhan*, who is  
13 qualified by experience with working as or with direct service providers or  
14 non-profit organizations;

15           (8) one (1) member appointed by the Speaker of *I Liheslaturan*  
16 *Guåhan*;

17           (9) one (1) member appointed by the Minority Leader of *I*  
18 *Liheslaturan Guåhan*;

19           (10) one (1) member appointed by the Mayors Council of Guam, who  
20 is qualified by experience with opioid use disorder, either first-hand or as a  
21 family member of an individual with opioid use disorder; and

22           (11) the Executive Director, or designee, of the Public Defender  
23 Service Corporation.

24           (c) In making appointments, appointing authorities shall consider having  
25 racially and socioeconomically diverse representation on the Council.

26           (d) A majority of voting members shall constitute a quorum.  
27 Determinations shall be made upon a majority vote.

1 (e) The Council shall hold no fewer than two (2) meetings annually, subject  
2 to the provisions of 5 GCA Chapter 8 - *the Open Government Law of Guam*.

3 (f) Council members shall serve for terms of three (3) years, and any  
4 member shall be eligible for reappointment. In the event of a vacancy, the original  
5 appointing authority shall appoint a new member to fulfill the remainder of the  
6 unexpired term. Any member who is appointed may be removed by the appointing  
7 authority upon written notice to the chairperson.

8 (g) Council members shall serve without compensation.

9 (h) In making determinations for expenditures of the Fund, Council  
10 members shall consider programs, including, but not limited to, those:

11 (1) to prevent substance use disorders through an evidence-based  
12 youth-focused public health education and prevention campaign, including  
13 school-based prevention and health care services and programs to reduce the  
14 risk of substance use by school-aged children;

15 (2) to develop and implement public education campaigns to reduce  
16 stigma against individuals with a substance use disorder, provide information  
17 about the risks of substance use, best practices for addressing substance use  
18 disorders, and information on how to locate services that reduce the adverse  
19 health consequences associated with substance use disorders or provide  
20 treatment for substance use disorders;

21 (3) to provide substance use disorder treatment and early recovery  
22 programs for youth and adults, with an emphasis on programs that provide a  
23 continuum of care that includes screening and assessment for substance use  
24 disorders and co-occurring disorders, active treatment, family involvement,  
25 case management, relapse management for substance use and other co-  
26 occurring behavioral health disorders, vocational services, literacy services,  
27 parenting classes, family therapy and counseling services, crisis services,



1 recovery services, evidence-based treatments, medication-assisted treatments,  
2 including medication assisted treatment provided in correctional facilities,  
3 psychiatric medication, psychotherapy, and transitional services programs;

4 (4) to provide harm reduction counseling and services to reduce the  
5 adverse health consequences associated with substance use disorders,  
6 including overdose prevention and prevention of communicable diseases  
7 related to substance use, provided by a substance use disorder service provider  
8 or qualified community-based organization;

9 (5) to provide housing services for people who are recovering from  
10 a substance use disorder. Such housing services shall be appropriate, based on  
11 the individual's current need and stage of recovery. Such housing services  
12 may include, but are not limited to, supportive housing services;

13 (6) to support community-based or diversion programs that reduce  
14 the likelihood of criminal justice involvement for individuals who have or are  
15 at risk of having a substance use disorder;

16 (7) to provide programs for pregnant women and new parents who  
17 currently or formerly have had a substance use disorder, and newborns with  
18 neonatal abstinence syndrome; and

19 (8) to provide vocational and educational training for individuals  
20 with, or at risk for, a substance use disorder.

21 **§ 221705. Reporting Requirements.**

22 Annually, no later than October 31, the Office of the Attorney General shall  
23 submit a report on the activity, revenue, and expenditures to and from the Fund to *I*  
24 *Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan*. The report shall  
25 also be posted on the OAG website. The report shall include, but not be limited to:

26 (a) the revenue credited to the Fund;

1 (b) the amount of expenditures attributable to the administrative costs of  
2 administering the Fund, including administrative support to the OAG and the  
3 Council;

4 (c) an itemized list of expenditures; and

5 (d) data and an assessment of the effectiveness of activities funded.

6 **§ 221706. Designation of OAG as Single Agency.**

7 The Office of the Attorney General is designated as the single agency for  
8 Guam relative to bringing claims against entities for manufacturing, marketing,  
9 distributing, promoting, or dispensing of opioids pursuant to Guam law, including,  
10 but not limited to, the Deceptive Trade Practices - Consumer Protection Act.

11 **§ 221707. Annual Audit.**

12 The Office of Public Accountability (OPA) shall perform an annual audit of  
13 the Opioid Recovery Trust Fund and the compliance of the Opioid Recovery  
14 Advisory Council with the expenditure of such funds within the Fund in accordance  
15 with the administration and exclusive purposes of this Article. Said audit shall  
16 include, but is not limited to, the revenues of the Fund and the expenditures from the  
17 Fund. The OPA shall prepare and provide a written report of compliance to *I*  
18 *Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than  
19 seventy-five (75) days after the end of the fiscal year.

20 **§ 221708. Submission of Spending Plan.**

21 The Opioid Recovery Advisory Council shall submit a detailed spending plan  
22 for the Opioid Recovery Trust Fund for Fiscal Years 2022 and 2023, to the Speaker  
23 of *I Liheslaturan Guåhan* no later than August 1, 2022. The Opioid Recovery  
24 Advisory Council shall submit annually, a detailed spending plan for the Opioid  
25 Recovery Trust Fund for every subsequent fiscal year to the Speaker of *I*  
26 *Liheslaturan Guåhan* no later than August 1<sup>st</sup> of each year.”

27 **Section 3. Effective Date.** This Act shall be effective upon enactment.