

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2022-032

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, TO CREATE THE OPIOID SETTLEMENT REMEDIATION ADVISORY COMMITTEE, WHICH WILL ISSUE RECOMMENDATIONS ON THE MANAGEMENT AND DISTRIBUTION OF FUNDS TO FIGHT AND REDUCE THE OPIOID CRISIS IN PUERTO RICO

WHEREAS: As a government, one of our highest priorities is to establish a public policy that aims to prioritize the wellbeing of our citizens.

WHEREAS: During the last five years the Government of Puerto Rico had been working to palliate the effects of the opioid crisis in Puerto Rico. Accordingly, one of the priorities of the Government of Puerto Rico and its instrumentalities is to insert initiatives that help raise awareness among the population about this problem and its consequences, and to take affirmative and progressive actions to prevent, contain and eradicate opioid abuse on the Island.

WHEREAS: The Government of Puerto Rico has filed a series of cases in court against several companies that manufacture, distribute and dispense opioids in Puerto Rico. Similarly, multiple jurisdictions have done the same throughout the United States, including a Multidistrict Litigation that is currently before a Federal Court in Ohio. These cases have led to a series of settlements that provide for the payment of billions of dollars divided among participating jurisdictions to help mitigate the opioid epidemic. In addition, the settlements require defendants to implement a series of rigorous changes to current opioid marketing, sale, and distribution practices, as well as various measures and controls to prevent prescription opioid diversion. The settlements also require that the vast majority of funds received by participating jurisdictions be used to help remedy or abate the opioid crisis.

To ensure the proper use of abatement funds, the settlements require the creation of an Opioid Settlement Remediation Advisory Committee “to provide input and recommendations regarding remediation spending from that Settling State’s Abatement Accounts Fund.” Consistent with the settlements reached to date, a Settling State’s Abatement Accounts Fund (the “Abatement



Fund” or “abatement funds”) will be used solely for future opioid remediation.

WHEREAS:

The Government of Puerto Rico takes the health challenge posed by the opioid crisis very seriously. Therefore, with the purpose of preventing the opioid crisis from continuing to affect and claim lives, it is necessary to create an "Opioid Settlement Remediation Advisory Committee" to ensure that abatement funds received by Puerto Rico for future opioid remediation purposes are used properly and as approved in settlement agreements and consent judgments, current and future.

WHEREFORE:

I, PEDRO R. PIERLUISI, Governor of Puerto Rico, by virtue of the powers vested in me by the Constitution and the Laws of the Government of Puerto Rico hereby declare and order the following:

SECTION 1st:

ADVISORY COMMITTEE. The Government of Puerto Rico hereby designates an “Opioid Settlement Remediation Advisory Committee” (“Advisory Committee”), established under the Puerto Rico Department of Health, to provide recommendations to the Secretary of the Puerto Rico Department of Health on how the opioid abatement funds received as a result of opioid litigation settlements and judgments will be allocated and distributed, consistent with approved uses only, with the goal of reducing the opioid crisis in Puerto Rico. The Advisory Committee shall organize as soon as practicable following the appointment of its members, but in no event later than June 30, 2022.

Opioid litigation settlement and judgment means agreements of islandwide applicability, including but not limited to consent judgments, consent decrees filed or unfiled, and related agreements or documents between Puerto Rico (including its subdivisions) and certain opioid manufacturers, distributors, dispensers, chain pharmacies, and related entities to provide remuneration for conduct related to the manufacture, promotion, dispensing, sale or distribution of opioid products.

SECTION 2nd:

COMPOSITION. The Advisory Committee shall consist of thirteen (13) members.

- a. All appointees to the Advisory Committee shall be carefully selected such that as a group they possess experience, expertise and education with respect to one or more of the following topics: public health, substance use and addiction issues, healthcare equity, harm reduction, criminal justice, drug policy, opioid use disorders, prevention, education,



and treatment, behavioral health, rural public health issues, and other related topics as is necessary to assure the effective functioning of the Advisory Committee.

- b. Advisory Committee members shall be appointed as follows:
 - i. The Secretary of the Puerto Rico Department of Health shall serve as the Advisory Committee Chair, and shall have no vote in Advisory Committee decisions, except as specified below.
 - ii. The Government of Puerto Rico shall appoint six (6) members. The appointing authority of such members will be the Governor of Puerto Rico.
 - iii. The Municipalities of Puerto Rico shall appoint six (6) members, as follows: the Puerto Rico Mayors Association shall appoint three (3) members, and the Puerto Rico Mayors Federation shall appoint three (3) members.
- c. All recommendations of the Advisory Committee shall be evidence-based, and may take into consideration federal, state or local initiatives and activities that have shown to be effective in preventing and treating substance use disorders for individuals and their families or support systems.
- d. The Advisory Committee may: recommend priorities to address Puerto Rico's opioid crisis; recommend funding with respect to specific programs or initiatives; recommend measurable outcomes to determine the effectiveness of funds expended for approved opioid abatement uses; and monitor the allocation and use of abatement funds.
- e. The goal is for a process that produces Advisory Committee recommendations that are recognized as being an efficient, evidence-based approach to abatement that addresses Puerto Rico's greatest overall needs in this area while also including programs reflecting particularized needs in local communities.



- f. To effectuate this goal, the Advisory Committee shall: (1) gather and evaluate data regarding substance use disorder prevention and treatment programs and services; (2) solicit feedback, in a manner and method established by the Advisory Committee, from stakeholders, local providers, and advocates regarding the service needs to prevent and treat substance use disorder across Puerto Rico.
- g. Members of the Advisory Committee shall attempt to reach consensus with respect to the recommendations and other actions of the Advisory Committee. Consensus is defined in this process as a general agreement achieved by the members that reflects, from as many members as possible, their active support, support with reservations, or willingness to abide by the decision of the other members. Consensus does not require unanimity and may include objectors. In all events, the Advisory Committee's actions shall be effective if supported by at least a majority of its members. If there is a tie among the members, and only in such a case, the Advisory Committee Chair shall be entitled to cast a vote. All Advisory Committee recommendations and other actions shall note the existence and summarize the substance of objections where requested.
- h. During its first calendar year of operations (that is to say, during 2022), the Advisory Committee shall provide its recommendations on how abatement funds should be distributed as soon as reasonably practicable. Beginning in 2023, and every subsequent year thereafter until all abatement funds have been disbursed, the Advisory Committee shall provide its recommendations to the Secretary of the Puerto Rico Department of Health for how abatement funds should be distributed on or before the first day of the month of May of each year.

SECTION 3rd: **TERMS OF SERVICE.** Each member shall be appointed to serve two-year terms.

- a. Any Advisory Committee member shall be eligible for reappointment, but no member shall serve more than two consecutive two-year terms.




- b. Advisory Committee members shall receive no compensation for their performance. Members shall be allowed their actual and necessary expenses incurred in the performance of their duties.
- c. Members of the Advisory Committee shall not take any action to direct funding from the opioid settlement funds to any entity in which they or their family members have any interest, direct or indirect, or receive any commission or profit whatsoever, direct or indirect. Advisory Committee members shall recuse themselves from any discussion or vote relating to such interest.
 - i. Family members means: the grandparents, parents, children, grandchildren, uncles, aunts, siblings, nephews, nieces, first cousins, spouse, father-in-law, mother-in-law, brother-in-law, and sister-in-law of a member of the Advisory Committee, as well as the children and grandchildren of his/her spouse.
- d. All Advisory Committee members shall be subject to Puerto Rico's conflict of interest and ethics in government laws.

SECTION 4th:

REMOVAL OR RESIGNATION. Any member who is appointed to the Advisory Committee may be removed by the appointing authority. In the event of a vacancy by resignation or removal, the original appointing authority shall appoint a new member within sixty (60) days to fulfill the remainder of the unexpired term.

SECTION 5th:

SCHEDULE OF MEETINGS. The Advisory Committee shall hold no fewer than four (4) public meetings annually, in person or virtually, to ensure that its recommendations are updated and consistent with Puerto Rico's needs.

- a. Meeting dates and times shall be publicized and located in a manner reasonably designed to facilitate attendance, in person or virtually, by residents of Puerto Rico.
- b. The Advisory Committee shall function in a manner consistent with Puerto Rico's open meeting and open government laws, as well as with the Americans with Disabilities Act.



- c. A majority of the members of the Advisory Committee shall constitute quorum. The Advisory Committee may conduct business without quorum but shall only vote on a recommendation when there is quorum present.

SECTION 6th: **ADMINISTRATION.**

- a. The Puerto Rico Department of Health shall provide administrative support to the Advisory Committee on an as-needed basis.
- b. The Advisory Committee shall not constitute a separate legal entity. It shall not have the capacity to sue or be sued. Its members shall serve in an advisory capacity only.
- c. Once constituted, the Advisory Committee shall develop a process for receiving input from subdivisions and community stakeholders regarding how the opioids crisis is affecting their communities, their abatement needs, and proposals for opioid abatement strategies and responses.

SECTION 7th: **TRANSLATION.** The Department of State is hereby ordered to, without delay, translate this Executive Order into Spanish. This notwithstanding, should any conflict arise in the interpretation or application of this Executive Order between the English text and the Spanish text, the English text shall prevail.

SECTION 8th: **SEVERABILITY.** The provisions of this Executive Order are independent and apart ones from the others, and if any part, section, provision, or sentence of this Executive Order were to be declared unconstitutional, null or void by a court of competent jurisdiction, such decision will not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 9th: **NON-CREATION OF ENFORCEABLE RIGHTS.** This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

SECTION 10th: **PUBLICATION.** This Executive Order shall be immediately filed with the Department of State and published generally.

SECTION 11th: **EFFECTIVENESS.** This Executive Order shall take effect immediately.





IN WITNESS WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed, in La Fortaleza, San Juan, Puerto Rico, this 9th day of June 2022.

**PEDRO R. PIERLUISI
GOVERNOR**

Promulgated in accordance with the law, this 9th day of June 2022.

**OMAR J. MARRERO
SECRETARY OF STATE**