



August 30, 2022

Executive Order 2022-19

EXECUTIVE ORDER 2022-19
ORDER REGARDING THE ADMINISTRATION OF SETTLEMENT PROCEEDS
RECEIVED FROM ILLINOIS' OPIOID LITIGATION
AND CREATING THE ILLINOIS OPIOID REMEDIATION ADVISORY BOARD AND
THE OFFICE OF OPIOID SETTLEMENT ADMINISTRATION

WHEREAS, the opioid epidemic has had a devastating effect upon the communities, neighborhoods, families, and residents of the United States, its economy and the general health and wellness of its population; and

WHEREAS, the Illinois Department of Public Health (IDPH) reports 2,944 Opioid Overdose Deaths in Illinois in 2020, which represents a 33% increase from 2019; and

WHEREAS, recognizing the damage caused to individuals and families by distributors and producers of opioids, State Attorneys General filed multiple lawsuits seeking recovery on behalf of those affected by opioid use and Illinois was a leader in this effort; and

WHEREAS, national opioid settlements, as of the signing of this order, have been reached with opioid distributors and manufacturers ("Settlements"); and

WHEREAS, in connection with such Settlements, as of the Effective Date of this Executive Order, the Illinois Attorney General has reached an agreement with at least 94 counties and 77 municipalities regarding the distribution of proceeds received from its opioid-related litigation known as the Illinois Opioid Allocation Agreement effective December 30, 2021 ("Agreement"), including all counties with a population of at least 250,000, representing at least 60% of the population of the State; and

WHEREAS it is anticipated that Illinois may receive approximately \$760,000,000 from these Settlements over the next 18 years, if recovery is maximized; and

WHEREAS it is also anticipated that Illinois will receive additional recoveries from judgments or settlements resolving claims related to the opioid epidemic and resulting public health crisis that will be subject to the Agreement; and

WHEREAS, via the Agreement, 55% of these proceeds are allocated to the Illinois Opioid Remediation State Trust Fund ("Fund") and must be used for forward-looking opioid abatement purposes; and

WHEREAS, the Agreement further provides for the establishment of an Illinois Opioid Remediation Advisory Board ("Advisory Board") to provide non-binding recommendations to the State regarding the administration and distribution of the Fund; and

WHEREAS, the State will make the final determinations regarding the administration and distribution of the Fund; and

WHEREAS, Executive Order 2020-02 recognized the ongoing issues associated with substance use disorder and established the Opioid Overdose Prevention and Recovery Steering Committee; and

WHEREAS, the State recognizes that it must continue to engage in efforts to address the opioid crisis through the implementation of evidence-based practices, the State Overdose Action Plan (SOAP), the Opioid Overdose Prevention and Recovery Steering Committee, and the sustainability of the Illinois Helpline for Opioids and Other Substances in order to provide equitable access to essential State services; and

WHEREAS, IDPH overdose-related data continues to reveal that certain communities in Illinois continue to be disproportionately impacted. In 2021, the highest overdose fatality rate was among non-Hispanic Blacks (55.3 per 100,000 of each population) compared to overdose fatality rates amongst non-Hispanic Whites (20.8 per 100,000 of each population); and

WHEREAS, it is in the best interest of the people of Illinois that its programs and policies equitably distribute funds to foster prevention and treatment access for individuals and communities in a way that alleviates disparities; and

WHEREAS, IDHS works with IDPH, the Illinois Department of Healthcare and Family Services, Illinois State Police, other State agencies on the SOAP, and other jurisdictions to ensure overdose abatement strategies are accessible; and

WHEREAS, Opioid Settlement Funding will be used for overdose abatement programs (Approved Abatement Programs), which may include, but not be limited to:

1. Naloxone or Other FDA-Approved Drug to Reverse Opioid Overdoses
2. Medication Assisted Treatment/Medication Assisted Recovery
3. Services for Pregnant and Post-Partum People with Opioid Use Disorder
4. Services for Neonatal-Abstinence Syndrome
5. Bridge Services (warm hand-off) and Recovery Oriented Services
6. Treatment of Incarcerated People
7. Prevention Programs
8. Harm Reduction & Syringe Service Programs

NOW, THEREFORE, by the powers vested in me by Article V of the Constitution of the State of Illinois as the Governor of the State of Illinois and consistent with the powers set forth in the State's public health laws to protect and promote the general welfare of the People of the State of Illinois, I hereby order the following:

Section 1. The Office of Opioid Settlement Administration ("Office") is hereby created within the Illinois Department of Human Services ("IDHS" or "Department").

Section 2. The Office shall reside within the Department's Division of Substance Use, Prevention and Recovery ("SUPR") and a Statewide Opioid Settlement Administrator (SOSA) leading the Office will be hired by me. In the interim, a designee named by the Secretary, shall initially serve as SOSA and shall report all action taken by the Office to the Secretary, the Office of the Governor, and the Office of the Attorney General.

Section 3. The Office may appropriately select fiscal and/or administrative agents for IDHS/SUPR to assist with planning, management, and distribution of funds. IDHS/SUPR will work with relevant State agencies to design the appropriate, specific functions to optimize its functions and maximize Medicaid match.

Section 4. In furtherance of Executive Order 2020-02 and to foster the goals set forth therein, I am establishing the Illinois Opioid Remediation Advisory Board ("Board") which will serve as a sub-committee to the Opioid Overdose Prevention and Recovery Steering Committee ("Committee"). The Board shall be chaired by the State's Chief Behavioral Health Officer serving in a non-voting/ex-officio capacity. The Office of Opioid Settlement Administration shall support and help to facilitate the Board. The Board shall make advisory recommendations to the Committee regarding the forward-looking Approved Abatement Program uses of monies in the Fund as set out in the Agreement. The Committee shall consider the Board's advisory recommendations and make the final determination as to the uses of Fund monies. The Attorney

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General or their designee will certify compliance with the terms of the Agreement, the Settlements, and any court order prior to expenditure.

Section 5. The Board shall consist of no more than sixteen (16) voting members and eleven (11) ex-officio (non-voting) members. Of the voting members, eight (8) will be State appointments and eight (8) will be representatives on behalf of local governments, one (1) of which will be a representative on behalf of the City of Chicago. The Illinois Office of Attorney General will make the State appointments in consultation with the Secretary of the Illinois Department of Human Services. The remaining seven (7) representatives from participating local governments shall be appointed by the Attorney General as set forth in the Illinois Opioid Allocation Agreement effective December 30, 2021 and representing local governments from each of the seven (7) Illinois Department of Public Health regions. Of the initial appointments, four (4) State appointments and four (4) local appointments shall each serve a term of two years; four (4) State appointments and four (4) local appointments shall each serve a term of four years. Thereafter, all appointments shall be for a period of four years. The ex-officio members shall include the following:

1. The Illinois Attorney General, or Designee.
2. The State's Chief Behavioral Health Officer, or Designee.
3. The Secretary of the Illinois Department of Human Services, or Designee.
4. The Director of the Illinois Department of Public Health, or Designee
5. The Director of the Illinois Department of Healthcare and Family Services, or Designee.
6. The Director of the Illinois State Police, or Designee.
7. The Director of the Illinois Department of Corrections, or Designee.
8. A member of the Illinois House of Representatives appointed by the Illinois Speaker of the House.
9. A member of the Illinois Senate appointed by the Illinois Senate President.
10. A member of the Illinois House of Representatives appointed by the Illinois House Minority Leader.
11. A member of the Illinois Senate appointed by the Illinois Senate Minority Leader.

Section 6. The Board will seek to ensure an equitable allocation of resources to all parts of the State, including, but not limited to, taking into consideration population as well as other factors relevant to opioid abatement, including rates of Opioid Use Disorder, Overdose Deaths, and amounts of opioids shipped into each region as measured in Morphine Milligram Equivalents and shall advise the Committee regarding the highest and best use of the Fund monies to prevent opioid dependency and promote recovery. For this purpose, the Office shall engage technical service providers to engage individuals with lived expertise, subject-matter experts, and other interested parties to develop a comprehensive plan, for consideration, to address opioid abatement.

Section 7. The Board may create one or more Working Groups to advise the Board. Such Working Groups, if created, shall be chaired by a member of the Board who shall report to the Board regarding any Working Group meetings and recommendations. Beyond the Chair, any Working Group may be constituted of both appointed Board members and other appointed members. The Chair of any Working Group and the appointed members of the Working Group shall be appointed by the Secretary of the Department of Human Services, in consultation with the Illinois Office of the Attorney General, and shall serve at the pleasure of the Secretary.

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Section 8. The Office shall engage other State agencies, municipalities, and other units of local and regional government to work collaboratively to identify and present to the Board an integrated and complementary approach to opioid use disorder and reduce and address trauma within our communities.

Section 9. The Department is authorized to contract with an academic institution to assist with research, data collection, analysis, storage and general administrative duties.

Section 10. The Department shall have authority to redirect existing employees and/or employ individuals to assist it with furthering the purposes of this Executive Order.

Section 11. The Department may also leverage existing resources to assist with the recovery of individuals experiencing substance use disorder (SUD). These resources may include, but are not necessarily limited to, social service resources employed to address suicide prevention, co-occurring conditions, food insecurity, housing insecurity, grief and loss associated with overdose fatality, and chronic criminal justice involvement.

Section 12. The Department is authorized to create and deploy education and training resources to those areas of the State it determines are affected by the opioid epidemic. Such resources may include, but are not limited to, identifying those most at-risk and to include career training and job placement services.

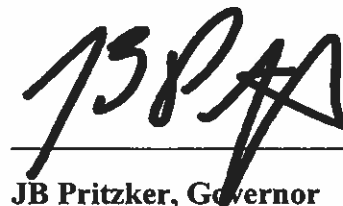
Section 13. Nothing in this Executive Order shall be construed to contravene any federal or State law or regulation. Nothing in this Executive Order shall affect or alter existing statutory powers of any State agency or be construed as a transfer, reassignment, or reorganization of any State agency.

Section 14. This Executive Order supersedes any contrary provision of any other prior Executive Order.

Section 15. If any provision of this Executive Order or its application to any person or circumstance is held invalid by a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of the Executive Order are declared to be severable.

Section 16. The Board and any Working Groups created by the Board shall be subject to the provisions of applicable law, including without limitation the Illinois Open Meetings Act, 5 ILCS 120/, and the Illinois Freedom of Information Act, 5 ILCS 140/. Members of the Board and members of any Working Groups created by the Board shall be subject to the provisions of applicable law, including without limitation the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/.

Section 17. This Executive Order shall take effect immediately upon its filing with the Secretary of State.



JB Pritzker, Governor

Issued by the Governor August 30, 2022
Filed by the Secretary of State August 30, 2022

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