

State Trauma-informed Legislation to Prevent and Treat Opioid Use Disorder Using the Funds the State Receives from Opioid Litigation Settlements

Section 1. Findings

1. To address the opioid crisis that is killing over 100,000 Americans each year, the State must not only provide treatment for those persons already suffering from Opioid Use Disorder (OUD), but must prevent the next generation, the next family, the next community from becoming victims of OUD. Otherwise the problem will be with us in perpetuity;
2. Studies have shown a powerful correlation between opioid use and suffering adverse childhood experiences (ACEs), also known as childhood trauma or toxic stress, with a finding that 54% of those using painkillers to get high and 78% of those engaged in IV drug use suffered adverse childhood experiences
3. Neuroscientist have discovered how ACEs cause changes in the brain that cause the victim to pump high amounts of cortisol and other stress hormones into the blood stream for the rest of the person's life. Opioids provide those persons with temporary relief from that stress.
4. NEAR Science (neuroscience, epigenetics, ACEs and Resilience) has provided both the scientific foundation for understanding the relationship between OUD, along with evidence-based or promising programs for preventing trauma and OUD and for providing resilience skills to those who suffered trauma to keep them from turning to opioids to provide temporary relief from the stress produced by their trauma;
5. To prevent future OUD, the State must prevent ACEs going forward and must provide resilience programs to assist those who already have suffered ACEs from turning to opioids to deal with their high levels of stress;
6. Achieving these goals will require a comprehensive and coordinated effort by agencies of the State and local governments and local community organizations to put the lessons NEAR Science teaches about the causes and effect of trauma and OUD to work.

Section 2. Definitions

1. "Council" shall mean The Interagency Council on Combating the Opioid Epidemic and Reducing Trauma.
2. "NEAR Science" shall mean the scientific discoveries involving neuroscience, epigenetics, Adverse Childhood experiences and resilience that help to explain the connection between childhood and related trauma and various health and social problems later in life include opioid use disorders and other forms of substance abuse.
3. "OUD" shall mean Opioid Use Disorder, describing the addiction some people suffer as a result of their use of opioids;
4. "Trauma-informed" shall mean shall mean practices and policies grounded in an awareness and understanding about the impact of trauma on physical, psychological, and emotional health, and that work to normalize development, increase resilience, and prevent retraumatization.

Title I –IMPLEMENTING STATE-WIDE TRAUMA-INFORMED STRATEGIES TO PREVENT OUD AND TO PROMOTE RESILIENCE

SECTION 101 -- The Interagency Council on Combating the Opioid Epidemic and Reducing Trauma

- a. Establishment of the Council --There is hereby established the Interagency Council on Opioids and Resilience in the Office of the Governor. The Council shall develop and oversee the implementation of a comprehensive strategy for preventing and treating Opioid Use Disorder (OUD) in the State that shall include but not be limited to application of trauma-informed approaches based on NEAR Science findings regarding the role that childhood and other forms of trauma play in promoting OUD.
- b. Membership of the Council – The members of the Council shall include the Governor, the Lieutenant Governor, the Chief justice of the Supreme Court and the Secretaries of the following Departments and Offices:
 - a. Health
 - b. Education
 - c. Law Enforcement/Public Safety
 - d. The Attorney General
 - e. Social Services/Children and Families
 - f. Housing
 - g. Other
 - h. Representatives of such other Departments and offices as determined by the Governor
- c. Leadership – The Governor shall designate one of the Secretaries to serve as Chair and one to serve as Vice-Chair
- d. Meetings—The Council shall meet quarterly at such time and place selected by the Chair. The Chair shall preside over the meetings. In the absence of the Chair, the Vice-Chair shall preside.
- e. Alternates—A Member may designate an alternate to represent him or her on the Council.
- f. Staff—The Council shall employ an executive director and such other staff as the Council determines is appropriate.
- g. Budget – The executive director, with the advice and consent of the Council, shall prepare and submit an annual budget to the Governor for approval.
- h. Strategic Plan – Within one year after the enactment of this Act, the Council shall submit to the Governor a strategic plan for addressing OUD in the State that shall, using evidence-based or promising approaches, including those developed by NEAR Science, set out a trauma-informed approach that promotes coordination among the agencies that are part of the Council and local governments for:
 - a. Preventing OUD in the future

- b. Promoting resilience among the population most vulnerable to OUD, including those who suffered childhood and other forms of trauma
- c. Providing treatment to those who are suffering from OUD, including treatment that recognizes the role childhood and other forms of trauma play in promoting OUD
- d. Promoting coordination among the different State agencies that are or can play a role in preventing and treating OUD
- i. Training – To implement Section 102 of this Act, within 90 days of enactment of its establishment, the Council shall make available on-line training on trauma-informed science and its role in preventing and treating OUD
- j. Grants –The Council shall administer the grant programs set out in Title II of this Act
- k. Funding –Of the funds received by the State from settlement of opioid litigation, no less than \$_____, shall be made available to fund the activities of the Council.

SECTION 102 -- TRAINING

Each employee of the State and local governments engaged in the human services area, and each employee of an entity that is the recipient of a grant or contract from the State or a local government engaged in the human services area shall take no fewer than four hours a year of on-line training programs made available at no cost by the Interagency Council that cover the neuroscience of trauma and how to apply that science to governmental programs in the human service area. Supervisors in the above entities shall take no fewer than twelve hours of such training

SECTION 103 – MAKING STATE AGENCY PLANS, POLICIES, AND PROCEDURES CONSISTENT WITH NEAR SCIENCE

Each state agency whose mission includes human services activity shall review its policies, plans and procedures to determine if they are effectively applying NEAR Science to help produce healthy families so the next generation of children does not grow up suffering from severe adversity in the home and thereby become vulnerable to OUD. Upon completion of the review, the agency shall modify or revise those policies, procedures and plans that it determines are not consistent with NEAR Science and that need to be changed in order to help prevent or treat trauma and OUD. It shall submit to the Legislature those changes that require legislative action. The Council shall provide technical assistance to the agencies to the extent resources permit.

SECTION 104 – SCHOOLS

Within 180 days of its establishment, the Council shall make available to all early childhood, K-12 and higher education institutions in the State information on best practices based on NEAR Science for assisting students learn resilience techniques that they can use to prevent OUD.

SECTION 105 – PRISONS

Within one year of its establishment, the Council shall provide every State-operated or funded prison with information on how to establish NEAR Science-based peer counseling programs to assist the

appropriately 60% of inmates who suffer from substance abuse disorder (SUD), including OUD, overcome their SUD before they are released. Within two years of the receipt of such information from the Council, each covered prison shall implement a NEAR Science-based peer counseling program to address UD.

SECTION 105 – COORDINATION OF HOME VISITING HEALTHY FAMILIES PROGRAM

Within one year of its establishment, the Council, after consultation with the relevant programs, shall prepare a plan to improve coordination among the various state programs providing home visiting services to promote healthy families and to assist them implement approaches based on NEAR Science.

SECTION 106 -- COMBINING OF STATE FUNDS

Upon the approval of the Governor, an agency may contribute funds appropriated to it for purposes related to addressing the opioid epidemic or problems caused by it, to a central fund established by the Interagency Council on Combating the Opioid Epidemic and Reducing Trauma, to be used to design and implement the comprehensive strategy called for in Section 101a of this Act. If the original source of the funds is the Federal government, the agency shall first obtain authorization from the Federal agency providing the funds.

SECTION 107 – MONITORING AND EVALUATION

- A. Monitoring – The Council shall establish such procedures as it deems necessary to monitor recipients of the grants authorized in Title II to ensure the grantees are complying with the terms of their grants;
- B. Evaluation – The Council shall regularly review and evaluate the programs established by Title I and the grants awarded pursuant to Title II to determine their effectiveness in preventing or reducing OUD.

TITLE II -- GRANTS TO PROMOTE THE PREVENTION OF OUD AND PROMOTE RESILIENCE

SECTION 201 –GRANTS TO LOCAL CROSS-SECTOR COMMUNITY ORGANIZATIONS

From the funds received by the State from settlement of opioid litigation, or from other sources made available to the Council, the Council shall make grants for a period of not to exceed five years in an amount not to exceed \$250,000 a year to **established Cross-sector Community substance abuse or trauma-informed coalitions**, composed of representatives of local governments, educational institutions, the health care sector, law enforcement, faith-based institutions, social welfare organizations and other relevant entities, to design and implement comprehensive, NEAR Science-based community plans to prevent childhood and other forms of trauma that lead to OUD, to teach resilience approaches to those vulnerable for OUD, and to treat OUD. At the discretion of the coalition, the grant may be made to the coalition directly or to a local government entity or a non-profit organization which will administer the grant on behalf of the coalition

SECTION 202 – SEED GRANTS TO ESTABLISH CROSS-SECTOR COALITIONS

For those communities that do not have an existing cross-sector substance abuse or trauma informed coalitions, the Council may, from the funds received by the State from settlement of opioid litigation and from such other sources as may be available to the Council, make grants for a period not to exceed two years in an amount not to exceed \$50,000 a year to a local government or community organization to establish a cross-sector substance abuse or trauma-informed coalition whose mission is to use NEAR Science to o prevent childhood and other forms of trauma that lead to OUD, to teach resilience approaches to those vulnerable for OUD, and to treat OUD.

SECTION 203 – GRANTS TO SCHOOLS, FAITH-BASED ORGANIZATIONS, YOUTH PROGRAMS AND RELATED ENTITIES

From the funds received by the State from settlement of opioid litigation and from such other sources as may be available to the Council, the Council shall make grants for a period not to exceed two years and in amounts not to exceed \$250,00 a year to schools, faith-based organizations, youth programs, job training programs and other non-profit entities that have the ability to bring together groups of people to receive resiliency training. Said grants shall be used to provide NEAR Science-based resiliency programs to their membership or audience, with the goal of providing those persons in the audience or membership who suffered trauma with the tools to keep their trauma from driving them to addiction. In awarding said grants, the Council shall give priority to entities servicing those persons who are the most vulnerable to becoming the next victims of opioid addiction, such as adults and youth in communities hard hit by the opioid epidemic, communities that suffered historical trauma and/or racial injustice, and veterans..

SECTION 204 – GRANTS TO PREVENT AND ADDRESS SECONDARY TRAUMA

From the funds received by the State from settlement of opioid litigation and from such other sources as may be available to the Council, the Council shall make grants for a period not to exceed two years in amounts not to exceed \$150,000 a year, to governmental offices and nonprofit organizations that employ persons who are vulnerable to secondary trauma because their work brings them into close and regular contact with persons suffering from OUD, including law enforcement agencies, first responders, emergency medical treatment providers, and health care workers. Said grants shall be for the purpose of implementing NEAR Science- based resilience programs and training designed to prevent the occurrence of secondary trauma.

SECTION 205 – GRANTS TO PREVENT TRAUMA AND OUD IN FUTURE GENERATIONS

From the funds received by the State from settlement of opioid litigation and from such other sources as may be available to the Council, the Council shall make grants for a period of not to exceed five years in

an amount not to exceed \$250,000 a year to governmental agencies and non-profit organizations that invest in programs that promote healthy families so the next generation does not have ACES and thus is not as vulnerable to opioid addiction. Such grants may include supplementing such Federal programs as the Nurse Family Partnership, the Triple P Program, and the Maternal, Infant and Early Childhood Home Visiting Program.