

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2020-19**

BILL NO. 2020-12

Title of Bill: Establishment – Opioid Litigation Settlement Trust Fund

Synopsis: An Act authorizing the establishment of the Cecil County, Maryland Opioid Litigation Settlement Trust Fund; approving the form of Trust Agreement relating thereto and the provisions therein regarding the administration of the Trust Fund; authorizing and empowering the trustees of the Trust Fund to invest and manage the assets of the Trust Fund; and generally providing certain matters with respect to the Trust Fund.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: September 1, 2020

Public hearing scheduled on: October 6, 2020 at 7:00 p.m.

Consideration scheduled on: October 20, 2020

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by (date) at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on (date), a public hearing was held on (date) and concluded on (date).

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment.

1 **WHEREAS**, Cecil County, Maryland initiated litigation in federal court against certain manufacturers
2 and distributors of prescription opioid pharmaceutical products (the “Litigation”); and

3 **WHEREAS**, the Litigation has resulted in a settlement pursuant to which Cecil County, Maryland
4 will receive monetary disbursements (the “Settlement Funds”) from the manufacturers and distributors
5 who are defendants in the Litigation to compensate the taxpayers for damages and costs directly and
6 proximately resulting from the opioid epidemic and Litigation; and

7 **WHEREAS**, Cecil County, Maryland wishes to authorize the establishment of a trust fund in order
8 to invest the Settlement Funds and to authorize the trustees of the trust fund to invest and manage the
9 assets of the trust fund as provided herein.

10 **NOW THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
11 **MARYLAND**, as follows:

12 Section 1. Cecil County, Maryland (the “County”) hereby authorizes the establishment of the
13 “Cecil County, Maryland Opioid Litigation Settlement Trust Fund” (the “Trust Fund”), under the terms and
14 conditions set forth in a trust agreement to be entered into by the County and the trustees of the fund,
15 substantially in the form of the Cecil County, Maryland Opioid Litigation Settlement Trust Agreement
16 attached hereto as Exhibit A (the “Trust Agreement”).

17 Section 2. The Trust Agreement and the provisions therein regarding the administration of the
18 Trust Fund are hereby approved.

19 Section 3. The purpose of the Trust Fund is to preserve and protect the Trust Fund’s Assets and to
20 assist the County in providing and supporting programs that educate, prevent, and treat opioid addiction
21 in Cecil County, Maryland.

22 Section 4. The Trustees shall have full power and authority to invest and manage the assets of the
23 Trust Fund in accordance with the Trust Agreement.

24 Section 5. Neither the establishment of the Trust Fund nor the establishment or maintenance of a
25 reserve to provide for opioid education, prevention, or treatment utilizing Litigation settlement proceeds
26 shall be construed as creating or evidencing an obligation on the County’s part to maintain or continue its
27 practice of providing such programs or services; rather, the County expressly reserves the right to alter,
28 amend, modify, or terminate any program or service funded by Trust Fund Assets.

29 Section 6. As set forth in Section 7.02 of the Trust Agreement, the Trust Agreement may be
30 amended by executive order of the County Executive, after such amendment has been approved by the
31 vote of 2/3 of the Trustees.

32 Section 7. This Act, being necessary for the welfare of the inhabitants of Cecil County, shall be
33 liberally construed to affect its purposes.

34 Section 8. The provisions of this Act are severable, and if any provision, sentence, clause, section
35 or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or
36 circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair
37 any of the remaining provisions, sentences, clauses, sections, or parts of this Act or their application to
38 other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have
39 been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not
40 been included herein, and if the person or circumstances to which this Act or any part hereof are
41 inapplicable had been specifically exempted therefrom.

42 **AND IT IS FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that this
43 Bill shall take effect 60 calendar days from the date that it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY Council Manager