

HOUSE BILL No. 2613

By Representative Essex

1-29

1 AN ACT concerning the attorney general; relating to the drug abuse
2 resistance education (D.A.R.E.) program; creating the position of
3 statewide drug abuse resistance education educator and providing for
4 the duties and responsibilities thereof; establishing the drug abuse
5 resistance education fund and providing funding for such fund through
6 an annual transfer of state moneys; amending K.S.A. 38-2101 and 75-
7 721 and repealing the existing sections.
8

Strike in line 6

75-777 and

Strike all in lines 10-36

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. ~~K.S.A. 38-2101 is hereby amended to read as follows: 38-~~
11 ~~2101. (a) There is hereby established in the state treasury the Kansas~~
12 ~~endowment for youth fund, which shall constitute a trust fund and shall be~~
13 ~~invested, managed and administered in accordance with the provisions of~~
14 ~~this act by the board of trustees of the Kansas public employees retirement~~
15 ~~system established by K.S.A. 74-4905, and amendments thereto.~~

16 (b) ~~All of the moneys received by the state pursuant to the tobacco~~
17 ~~litigation settlement agreements entered into by the attorney general on~~
18 ~~behalf of the state of Kansas, or pursuant to any judgment rendered,~~
19 ~~regarding the litigation against tobacco industry companies and related~~
20 ~~entities, shall be deposited in the state treasury and credited to the Kansas~~
21 ~~endowment for youth fund. All such moneys shall constitute an~~
22 ~~endowment, which shall remain credited to the Kansas endowment for~~
23 ~~youth fund except as provided in this section or, in K.S.A. 38-2102, and~~
24 ~~amendments thereto, for transfers to the children's initiatives fund or in~~
25 ~~K.S.A. 75-721, and amendments thereto, for transfers to the drug abuse~~
26 ~~resistance education fund. Expenditures may be made from the Kansas~~
27 ~~endowment for youth fund for the payment of the operating expenses of~~
28 ~~the Kansas children's cabinet and the board of trustees, including the~~
29 ~~expenses of investing and managing the moneys, which that are~~
30 ~~attributable to the Kansas endowment for youth fund. All moneys credited~~
31 ~~to the Kansas endowment for youth fund shall be invested to provide an~~
32 ~~ongoing source of investment earnings available for periodic transfer to~~
33 ~~the children's initiatives fund in accordance with this act. All expenditures~~
34 ~~from the Kansas endowment for youth fund shall be made in accordance~~
35 ~~with appropriation acts upon warrants of the director of accounts and~~
36 ~~reports issued pursuant to vouchers approved by the chairperson of the~~

1 ~~board of trustees of the Kansas public employees retirement system or by~~
 2 ~~the chairperson's designee.~~

3 ~~(c) On the effective date of this act, the director of accounts and~~
 4 ~~reports shall transfer all moneys credited to the children's health care~~
 5 ~~programs fund to the Kansas endowment for youth fund, and the children's~~
 6 ~~health care programs fund is hereby abolished. On and after July 1, 1999,~~
 7 ~~whenever the children's health care programs fund, or words of like effect,~~
 8 ~~is referred to or designated by statute, contract or other document, such~~
 9 ~~reference or designation shall be deemed to apply to the Kansas~~
 10 ~~endowment for youth fund.~~

11 Sec. 2. K.S.A. 75-721 is hereby amended to read as follows: 75-721.

12 (a) The attorney general shall appoint a statewide drug abuse resistance
 13 education (D.A.R.E.) coordinator, *a statewide D.A.R.E. educator* and,
 14 within the limits of appropriations available therefore, such additional staff
 15 as necessary to support the statewide D.A.R.E. coordinator *and educator*.

16 (b) The D.A.R.E. coordinator shall:

17 (1) Assist local law enforcement agencies and schools in creation of
 18 local D.A.R.E. programs;

19 (2) provide training to local law enforcement officers to teach the
 20 D.A.R.E. curriculum; and

21 (3) perform other services, and provide material and information as
 22 required to support the D.A.R.E. program in Kansas.

23 (c) *The D.A.R.E. educator shall:*

24 (1) *Provide instruction using the D.A.R.E. curriculum, including*
 25 *content on fentanyl and other opioid drugs, to students in public*
 26 *elementary and secondary schools; and*

27 (2) *perform other services, and provide material and information as*
 28 *required to support the D.A.R.E. program in Kansas.*

29 (d) *There is established in the state treasury the drug abuse*
 30 *resistance education fund to be administered by the office of the attorney*
 31 *general. All expenditures from the drug abuse resistance education fund*
 32 *shall be used for the purposes of supporting the D.A.R.E. program in*
 33 *Kansas. Such expenditures shall be made in accordance with*
 34 *appropriation acts upon warrants of the director of accounts and reports*
 35 *issued pursuant to vouchers approved by the attorney general or the*
 36 *attorney general's designee.*

37 ~~(e) On July 1, 2024, and each July 1 thereafter, or as soon thereafter~~
 38 ~~as moneys are available, the director of accounts and reports shall~~
 39 ~~transfer \$300,000 from the Kansas endowment for youth fund, established~~
 40 ~~by K.S.A. 38-2101, and amendments thereto, to the drug abuse resistance~~
 41 ~~education fund. On June 30, 2025, and each June 30 thereafter, all~~
 42 ~~unencumbered moneys credited to the drug abuse resistance education~~
 43 ~~fund shall be transferred by the director of accounts and reports from the~~

Strike all in lines 1-10

Strike all in lines 37-43

1 ~~drug abuse resistance education fund to the Kansas endowment for youth~~
2 ~~fund.~~

3 Sec. 3. K.S.A. ~~38-2101 and 75-721~~ are hereby repealed.

4 Sec. 4. This act shall take effect and be in force from and after its
5 publication in the statute book.

Strike all in lines 1-2

Strike in line 3

and 75-777

Insert Attachment A

And by renumbering sections accordingly

Sec. 2. K.S.A. 75-777 is hereby amended to read as follows: 75-777. (a) Notwithstanding any other provision of law to the contrary, the attorney general shall remit to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto, all moneys that are received by the state pursuant to opioid litigation in which the attorney general is involved that is dedicated by the terms of such litigation for the abatement or remediation of substance abuse or addiction. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury. The state treasurer shall credit 75% of each such deposit to the Kansas fights addiction fund and 25% of each such deposit to the municipalities fight addiction fund.

(b) There is hereby established in the state treasury the Kansas fights addiction fund, and such fund shall be administered by the attorney general. Except as provided in subsection (c), moneys in the Kansas fights addiction fund shall be expended subject to any agreement authorized under K.S.A. 2023 Supp. 75-778(d), and amendments thereto, for grants approved by the Kansas fights addiction grant review board created by K.S.A. 2023 Supp. 75-778, and amendments thereto, to qualified applicants for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction. Any such expenditure for a grant shall not be used to supplant any other source of funding. No moneys shall be expended from the Kansas fights addiction fund for the payment of litigation costs, expenses or attorney fees related to opioid litigation.

(c) (1) On July 1 of each year, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas fights addiction fund to the prescription monitoring program fund established by K.S.A. 2023 Supp. 65-1694a, and amendments thereto. For any fiscal year, if there are insufficient unencumbered moneys in the Kansas fights addiction fund to make such transfer, no transfer shall be made under this subsection for such fiscal year.

(2) On July 1, 2024, and each July 1 thereafter, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the Kansas fights addiction fund to the drug abuse resistance education fund, established by section 1, and amendments thereto. On June 30, 2025, and each June 30 thereafter, all unencumbered moneys credited to the drug abuse resistance education fund shall be transferred by the director of accounts and reports from the drug abuse resistance education fund to the Kansas fights addiction fund.

(d) (1) There is hereby established in the state treasury the municipalities fight addiction fund, and such fund shall be administered by the attorney general to disburse funds to municipalities. Moneys in the municipalities fight addiction fund shall be expended subject to an agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction or to reimburse the municipality for previous expenses related to substance abuse mitigation or arising from covered conduct. Moneys may also be used to reimburse municipalities for the payment of litigation costs, expenses or attorney fees related to opioid litigation, except that a municipality shall first seek payment from applicable outside settlement sources or settlement fee funds prior to seeking payment from the municipalities fight addiction fund.

(2) An agreement between the attorney general, the Kansas association of counties and the league of Kansas municipalities shall determine the method for disbursing moneys from the fund, and such moneys shall be disbursed to municipalities that have not filed opioid litigation and municipalities that have filed opioid litigation and have entered into an agreement with the attorney general prior to January 1, 2022, that releases the municipality's legal claims arising from covered conduct to the attorney general and assigns any future legal claims arising from covered conduct to the attorney general.

(e) All expenditures from the Kansas fights addiction fund and the municipalities fight addiction fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or the attorney general's designee.