

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 866

Introduced by Ballard, 21.

Read first time January 08, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health and welfare; to amend section
2 71-2490, Revised Statutes Cumulative Supplement, 2024; to provide
3 for transfers from the Nebraska Opioid Recovery Trust Fund; to
4 create a fund; to provide powers and duties for the Attorney General
5 related to fentanyl and other drugs; to repeal the original section;
6 and to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-2490, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 71-2490 (1) The Nebraska Opioid Recovery Trust Fund is created. The
4 fund shall include all recoveries received on behalf of the state by the
5 Department of Justice pursuant to the Consumer Protection Act or the
6 Uniform Deceptive Trade Practices Act related to the advertising of
7 opioids. The fund shall include any money, payments, or other things of
8 value in the nature of civil damages or other payment, except criminal
9 penalties, whether such recovery is by way of verdict, judgment,
10 compromise, or settlement in or out of court, of any case or controversy
11 pursuant to such acts. The Department of Justice shall remit any such
12 revenue to the State Treasurer for credit to the Nebraska Opioid Recovery
13 Trust Fund.

14 (2) Any funds appropriated, expended, or distributed from the
15 Nebraska Opioid Recovery Trust Fund shall be spent in accordance with the
16 terms of any verdict, judgment, compromise, or settlement in or out of
17 court, of any case or controversy brought by the Attorney General
18 pursuant to the Consumer Protection Act or the Uniform Deceptive Trade
19 Practices Act.

20 (3) The Nebraska Opioid Recovery Trust Fund shall exclude funds held
21 in a trust capacity where specific benefits accrue to specific
22 individuals, organizations, political subdivisions, or governments. Such
23 excluded funds shall be deposited in the State Settlement Trust Fund
24 pursuant to section 59-1608.05.

25 (4)(a) Any money transferred from the Nebraska Opioid Recovery Trust
26 Fund shall be expended in accordance with the terms and conditions of the
27 litigation or settlement from which the money was received.

28 (b) The State Treasurer shall transfer the following amounts from
29 the Nebraska Opioid Recovery Trust Fund on or after July 1, 2024, but
30 before July 15, 2024, and on or after July 1 but before July 15 of each
31 year thereafter:

6 (ii) Four hundred thousand dollars to the Health and Human Services
7 Cash Fund for staff to carry out the Overdose Fatality Review Teams Act;

10 (iv) An amount determined by the Legislature to the Opioid Treatment
11 Infrastructure Cash Fund; and -

12 (v) An amount determined by the Legislature to the Drug Detection
13 and Prevention Cash Fund for purposes of section 2 of this act.

14 (c) It is the intent of the Legislature that, of the total
15 settlement funds received by the State of Nebraska and transferred from
16 the Nebraska Opioid Recovery Trust Fund to the Opioid Prevention and
17 Treatment Cash Fund and to the Opioid Treatment Infrastructure Cash Fund,
18 twenty-five percent of such funds are transferred to the Opioid
19 Prevention and Treatment Cash Fund and seventy-five percent of such funds
20 are transferred to the Opioid Treatment Infrastructure Cash Fund.

21 (5) Any money in the Nebraska Opioid Recovery Trust Fund available
22 for investment shall be invested by the state investment officer pursuant
23 to the Nebraska Capital Expansion Act and the Nebraska State Funds
24 Investment Act.

25 **Sec. 2. (1) The Drug Detection and Prevention Cash Fund is created.**
26 The fund shall be administered by the Attorney General and shall consist
27 of any amount transferred to the fund by the Legislature. It is the
28 intent of the Legislature not to transfer any General Funds to the Drug
29 Detection and Prevention Cash Fund. No portion of the principal of the
30 fund shall be expended for any purpose except investment pursuant to this
31 section.

1 (2) The Drug Detection and Prevention Cash Fund shall be used to
2 support statewide law enforcement efforts to detect, prevent, and respond
3 to illegal fentanyl activity and other illicit drug activity, including,
4 but not limited to:

5 (a) Acquisition of drug detection, testing, and analytical
6 technology;

7 (b) Support for multijurisdictional task forces and cross-agency
8 operations directed at tracking and distribution of fentanyl and other
9 illicit drugs;

10 (c) Public safety and community education initiatives related to
11 risk awareness and overdose prevention strategies regarding fentanyl and
12 other illicit drugs coordinated with law enforcement activity; and

13 (d) Any other purpose the Attorney General determines is necessary
14 to reduce the surplus of illegal fentanyl or other illicit drugs in
15 Nebraska or to support related law enforcement efforts.

16 (3) Any money in the Drug Detection and Prevention Cash Fund
17 available for investment shall be invested by the state investment
18 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
19 State Funds Investment Act.

20 **Sec. 3.** Original section 71-2490, Revised Statutes Cumulative
21 Supplement, 2024, is repealed.

22 **Sec. 4.** Since an emergency exists, this act takes effect when
23 passed and approved according to law.