

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)					
EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	0	0	0	0
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
FY2025-2026	0	0	0	0	0
FY2026-2027	0	0	0	0	0
FY2027-2028	0	0	0	0	0
FY2028-2029	0	0	0	0	0

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

The bill adds an additional distribution out of the Nebraska Opioid Recovery Trust Fund to a newly created cash fund for specified purposes. The bill creates the Drug Detection and Prevention Cash Fund to be administered by the Attorney General. The fund is designated for use to support statewide law enforcement efforts to detect, prevent, and respond to illegal fentanyl activity and other illicit drug activity. Revenue to the fund shall consist of an annual transfer amount to be determined by the Legislature from the Nebraska Opioid Recovery Trust Fund.

The Department of Health and Human Services, who administers the Nebraska Opioid Recovery Trust fund, indicates adding additional transfers may impact the availability of resources for existing initiatives, specifying the Opioid Treatment Infrastructure Cash Fund.

Each of the 2022 National Opioid Settlements include a list of approved uses for the settlements' remediation funds. The approved uses as well as the 'core strategies' are listed in Exhibit E to the settlements, which are substantially identical to one another. While Exhibit E does reference some eligible uses by law enforcement, the uses for the newly established cash fund appear to go beyond the allowable uses which may result in legal penalties on the remediation funds.

Eligible uses of Opioid Settlement funds pertaining to law enforcement include:

- Purchasing Narcan (naloxone) for overdose reversal, PPE for officers, and equipment to manage scenes
- Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
- Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.
- Provide training on best practices for addressing the needs of criminal justice involved persons with OUD (opioid use disorder) and any co-occurring SUD/MH (substance use disorder/mental health) conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 866	AM:	AGENCY/POLT. SUB: Nebraska Department of Health & Human Services
---------	-----	--

REVIEWED BY: Ann Linneman	DATE: 1-26-2026	PHONE: (402) 471-4180
---------------------------	-----------------	-----------------------

COMMENTS: Concur with the Nebraska Department of Health and Human Services' assessment of fiscal impact.
--

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 1-26-2026

Phone: (5) 471-6719

	FY 2026-2027		FY 2027-2028	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0	\$0	\$0	\$0

Return by date specified 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB866 would not reduce the annual transfer amount from the Nebraska Opioid Recovery Trust Fund to the Opioid Prevention and Treatment Fund, but it could impact the transfer to the Opioid Treatment Infrastructure Cash Fund, considering there is not a specific dollar amount determined for the transfer. If the funds within the Nebraska Opioid Recovery Fund are to be transferred to the newly created Drug Detection and Prevention Cash Fund, there may be less funds for the Division of Behavioral Health (DBH) to utilize, both from the Recovery Fund itself, and what is annually transferred to the Infrastructure Fund. In turn, this may require other funds to support treatment and prevention services.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:

POSITION TITLE	NUMBER OF POSITIONS		2026-2027	2027-2028
	26-27	27-28	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$0	\$0