

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by  
5 adding Section 13-226 as follows:

6 (735 ILCS 5/13-226 new)

7 Sec. 13-226. Opioid litigation.

8 (a) Definitions. In this Section:

9 "National multistate opioid settlement" means any  
10 agreement (i) to which the State and at least two other states  
11 are parties and (ii) in which the State agrees to release  
12 claims that it has brought or could have brought in an action  
13 against an opioid defendant or has the claims released in a  
14 final order entered by a court. "National multistate opioid  
15 settlement" includes (i) any form of resolution reached in a  
16 bankruptcy proceeding, provided that the Attorney General both  
17 agrees to the specific terms of such resolution or agreement  
18 in a bankruptcy proceeding and announces his or her agreement  
19 in the record of such bankruptcy proceeding, or (ii) a final  
20 order entered by the bankruptcy court.

21 "Opioid defendant" means (i) a defendant in opioid  
22 litigation brought by the Attorney General, or (ii) a person  
23 or entity engaged in the manufacturing, marketing,

1 distribution, prescription, dispensing, or other use of opioid  
2 medications.

3 "Opioid litigation" means any civil litigation, demand, or  
4 settlement in lieu of litigation, alleging unlawful conduct in  
5 the manufacturing, marketing, distribution, prescription,  
6 dispensing, or other use of opioid medications.

7 "Unit of local government" has the meaning provided in  
8 Article VII, Section 1 of the Illinois Constitution of 1970.

9 (b) Release of claims.

10 (1) On and after the effective date of this amendatory  
11 Act of the 102nd General Assembly, no unit of local  
12 government or school district may file or become a party  
13 to opioid litigation against an opioid defendant that is  
14 subject to a national multistate opioid settlement unless  
15 approved by the Attorney General.

16 (2) If counties representing 60% of the population of  
17 the State, including all counties with a population of at  
18 least 250,000, have agreed to an intrastate allocation  
19 agreement with the Attorney General, then the Attorney  
20 General has the authority to appear or intervene in any  
21 opioid litigation, and release with prejudice any claims  
22 brought by a unit of local government or school district  
23 against an opioid defendant that are subject to a national  
24 multistate opioid settlement and are pending on the  
25 effective date of this amendatory Act of the 102nd General  
26 Assembly.

1       (c) Nothing in this Section affects the Attorney General's  
2 authority to appear, intervene, or control litigation brought  
3 in the name of the State of Illinois or on behalf of the People  
4 of the State of Illinois.

5       (d) When an intrastate allocation agreement between  
6 counties representing 60% of the population of the State,  
7 including all counties with a population of at least 250,000,  
8 and the Attorney General is reached, becoming a party to or  
9 filing opioid litigation against an opioid defendant that is  
10 subject to a national multistate opioid settlement are  
11 exclusive powers and functions of the State and a home rule  
12 unit may not file or become a party to opioid litigation  
13 against an opioid defendant that is subject to a national  
14 multistate opioid settlement unless approved by the Attorney  
15 General. This Section is a denial and limitation of home rule  
16 powers and functions under subsection (h) of Section 6 of  
17 Article VII of the Illinois Constitution.

18       Section 99. Effective date. This Act takes effect upon  
19 becoming law.