



Rep. Jay Hoffman

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10200SB0215ham002

LRB102 13508 KMF 27357 a

1 AMENDMENT TO SENATE BILL 215

2 AMENDMENT NO. _____. Amend Senate Bill 215 by replacing
3 everything after the enacting clause with the following:

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

1 agrees to the specific terms of such resolution or agreement
2 in a bankruptcy proceeding and announces his or her agreement
3 in the record of such bankruptcy proceeding, or (ii) a final
4 order entered by the bankruptcy court.

5 "Opioid defendant" means (i) a defendant in opioid
6 litigation brought by the Attorney General, or (ii) a person
7 or entity engaged in the manufacturing, marketing,
8 distribution, prescription, dispensing, or other use of opioid
9 medications.

10 "Opioid litigation" means any civil litigation, demand, or
11 settlement in lieu of litigation, alleging unlawful conduct in
12 the manufacturing, marketing, distribution, prescription,
13 dispensing, or other use of opioid medications.

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

16 (b) Release of claims.

17 (1) On and after the effective date of this amendatory
18 Act of the 102nd General Assembly, no unit of local
19 government or school district may file or become a party
20 to opioid litigation against an opioid defendant that is
21 subject to a national multistate opioid settlement unless
22 approved by the Attorney General.

23 (2) If counties representing 60% of the population of
24 the State, including all counties with a population of at
25 least 250,000, have agreed to an intrastate allocation
26 agreement with the Attorney General, then the Attorney

1 General has the authority to appear or intervene in any
2 opioid litigation, and release with prejudice any claims
3 brought by a unit of local government or school district
4 against an opioid defendant that are subject to a national
5 multistate opioid settlement and are pending on the
6 effective date of this amendatory Act of the 102nd General
7 Assembly.

8 (c) Nothing in this Section affects the Attorney General's
9 authority to appear, intervene, or control litigation brought
10 in the name of the State of Illinois or on behalf of the People
11 of the State of Illinois.

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

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".