



ADMINISTRATIVE RULES

TITLE 03—OFFICE OF THE ATTORNEY GENERAL

PART 6—Opioid Settlement Fund Advisory Council

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**Title 03 – Office of the Attorney General
Part 6 – Opioid Settlement Fund
Advisory Council**

Chapter 01 General Information and Definitions

100 Definitions

As used in this Part, the following terms shall have the meanings as defined in this chapter unless the context clearly requires otherwise:

- (a) “Opioid Settlement Fund” means the special fund created in the State Treasury under Mississippi Code Annotated Section 27-103-305, which consists of the monies received by the Attorney General on behalf of the State of Mississippi from settlements of opioid litigation with certain distributors, manufacturers, retail pharmacy chains, and other defendants of related opioid litigation;
- (b) “Council” means the Opioid Settlement Fund Advisory Council, created by Senate Bill No. 2767 of the 2025 Regular Legislative Session, to be codified at Mississippi Code Annotated Section 41-153-1.
- (c) “Opioid settlements” means the current and future settlements of opioid litigation with certain distributors, manufacturers, retail pharmacies, and other defendants of related opioid litigation;
- (d) “Abatement” means efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise remediate the harmful effects of the opioid epidemic;
- (e) “Abatement settlement funds” means those monies from the opioid settlements that are required to be spent on opioid abatement programs, goods, and services;
- (f) “Nonabatement settlement funds” means those monies from the opioid settlements that are not required to be spent on opioid abatement programs, goods and services;
- (g) “Settlement funds” mean both abatement settlement funds and nonabatement settlement funds; and
- (h) “Qualified Applicant” means an applicant who meets the eligibility requirements in the Council’s annual Request for Grant Applications.

101 Purpose

The purpose of the Council is to review applications for grants funded by the proceeds of opioid settlements and to make recommendations to the Legislature for the appropriation of abatement settlement funds to fund the grants. The Council shall ensure that opioid settlement funds are allocated and spent in accordance with the terms of the settlement agreements and shall ensure public involvement, accountability, and transparency in allocating and accounting for the monies in the fund. Miss. Code Ann. § 41-153-1(2).

102 Legal Authority

The Council shall adopt necessary rules, regulations, and procedures to effectuate the purposes of Section 41-153-1 and to ensure that a grant applicant expends all grant funds in a manner consistent with the terms of the opioid settlement agreements. Miss. Code Ann. § 41-153-1(14).

103 Source of Funding

The Council shall make prioritized recommendations for grant recipients to the Legislature for projects funded from the abatement settlement funds in the Opioid Settlement Fund.

104 Expenses

Members of the Council shall serve without compensation but may be reimbursed for actual and necessary expenses incurred in the performance of their duties, in accordance with Section 25-3-41. All such expenses shall be paid from the Opioid Settlement Fund or the State General Fund. Reimbursement requests should be submitted to the Attorney General using the form and procedure proscribed by the Attorney General's Office. Miss. Code Ann. § 41-153-1(9).

105 Administration

The Council shall be housed within the Office of the Attorney General. The Attorney General shall provide the staff and facilities necessary to assist the Council in the performance of its duties. Miss. Code Ann. § 41-153-1(10).

106 Termination

The Council shall terminate when all opioid settlement funds being paid pursuant to the opioid settlements have been received and disbursed, unless the Attorney General certifies that additional funds are anticipated within one (1) year. Miss. Code Ann. § 41-153-1(16).

Chapter 02 Composition

201 Membership

The Council is comprised of thirty-seven (37) members, fifteen (15) voting members and twenty-two (22) non-voting advisory members. Miss. Code Ann. § 41-153-1(5)(a)-(l); Miss. Code Ann. § 41-153-1(6)(a)-(r).

Voting members may request to add additional nonvoting advisory members with expertise in opioid prevention, treatment, and recovery. Such members may be added by majority vote of the voting members. Miss. Code Ann. § 41-153-1(7).

202 Leadership

The Attorney General or a designee shall serve as Chair of the Council. The Executive Director of the Department of Mental Health or a designee and the State Health Officer or a designee shall serve as Co-Vice Chairs of the Council. The Chair and Co-Vice Chairs shall serve permanently during their tenure in their respective offices. Miss. Code Ann. § 41-153-1(5)(a)-(c); (8)(a).

203 Terms of Service

Voting members of the Council appointed by the Governor, Lieutenant Governor, or Speaker of the House of Representatives shall serve an initial term beginning June 10, 2025 and ending December 31, 2027. After the expiration of the initial term, each subsequent appointment of such members shall be for a term of four (4) years from the expiration date of the previous term. Miss. Code Ann. § 41-153-1(8)(b).

All other voting members and all advisory members of the Council shall serve a three-year term beginning June 10, 2025, and all subsequent terms shall be for a period of three (3) years. Miss. Code Ann. § 41-153-1(8)(c).

204 Removal

The respective appointing authority may remove a member for failure to attend at least one-half (1/2) of the scheduled meetings in any one-year period or for other good cause. Removal of a Council member shall be noticed in writing to the Chair and Co-Vice Chairs of the Council. Miss. Code Ann. § 41-153-1(8)(d).

205 Vacancy

If a vacancy on the Council occurs, the respective appointing authority shall fill the vacancy for the remainder of the unexpired term. Notwithstanding the expiration of a member's term, each member shall serve until a successor is duly appointed. Miss. Code Ann. § 41-153-1(8)(e).

Chapter 03 Internal Procedures

301 Meetings

The Council shall meet no less than twice per calendar year. Meetings may be held in-person, by videoconference, or both. All meetings must be noticed to the public on the Department of Finance and Administration's public meetings website at least 24 hours in advance. The Council reserves the right to enter executive session to discuss certain matters privately pursuant to Section 25-41-7.

302 Quorum

A simple majority of the voting members of the Council (8 out of 15) shall constitute a quorum for doing business. A voting member of the council who recuses due to a conflict of interest as stated in Rule 303 shall not be considered for the purposes of quorum for the votes for which the voting member of the council is recused. Miss. Code Ann. § 41-153-1(8)(g).

303 Conflicts of Interest

A member of the council shall not, directly or indirectly, influence, seek to influence, vote on, or participate in the recommendation of grant recipients or the recommendation to allocate funds for the benefit of any organization with which the member has affiliation. Miss. Code Ann. § 41-153-1(17).

A member of the council shall be deemed to have an affiliation with an organization if they have a material financial or professional interest, receive any compensation or pecuniary benefit from, or the leadership of which they have a familial relationship within the first degree.

A member of the council shall recuse from the discussion, ranking, or vote upon any such matter. Miss. Code Ann. § 41-153-1(17).

304 Transparency

The Council shall operate according to the Attorney General's Office Public Records Policy, available on the Attorney General's website.

The Council shall also create and maintain a web page on the Attorney General's website, on which it shall publish its rules, priorities, requests for grant applications, meeting minutes, attendance rolls, and votes.

Chapter 04 Application Review Process

401 Application Procedures

The Council shall develop and publish procedures for the submission of grant applications, including the content and form of an annual Request for Grant Applications (“RGA”). Miss. Code Ann. § 41-153-1(11)(b).

All responses to the RGA shall be submitted to the Council via the online portal on the Attorney General’s website: <https://opioid-grants.attorneygenerallynnfitch.com>

402 Priorities

At its first meeting of each calendar year, the Council shall prepare a list of priorities to guide the selection of grant recipients. The list of priorities will be published with the annual Request for Grant Applications. In developing these priorities, the council shall align, to the greatest extent practicable and consistent with state law and the opioid settlements, with the following strategy pillars for addressing opioid use disorder and overdose:

- i) Prevention and early intervention;
- ii) Treatment and recovery access;
- iii) Accountability and transparency;
- iv) Community-based solutions;
- v) Reducing overdose and harm;
- vi) Enforcement;
- vii) Workforce and integration; and
- viii) Data-driven policy[.]

Miss. Code Ann. § 41-153-1(11)(a).

403 Independent Third Party

A qualified third party shall conduct an initial independent assessment, scoring and categorization of proposals using standardized criteria. Miss. Code Ann. § 41-153-1(15)(a)(iii).

404 Evaluation Criteria

In reviewing applications for funding, the Council shall primarily consider whether the services the organization intends to provide with the requested grant funding comply with the terms of the opioid settlement agreements. All qualified applicants shall be included on the list of recommended recipients.

In prioritizing the list of grant recipients, the Council may also consider the list of priorities adopted pursuant to Rule 402.

405 List of Recommended Recipients

- (a) The Council shall prepare a prioritized list of recommended grant recipients, which shall include a description of how each recommended recipient complies with the Council's published priorities. Upon approval of the list by the Council, the list shall be submitted to the Lieutenant Governor, Speaker of the House of Representatives, Chairs of the Senate and House Appropriations Committees, Chairs of the Senate Public Health and Welfare and House Public Health and Human Services Committees, and Chairs of the Senate and House Judiciary A Committees no later than thirty (30) days before the first day of the Regular Legislative Session. Miss. Code Ann. § 41-153-1(11)(e)-(f).
- (b) Applicants shall be scored according to a scoring rubric developed and approved by the Council, which shall be made available at the time the Request for Grant Applications is published.
- (c) The Council shall prioritize the list of recommended grant recipients by Tiers 1 through 5, as follows:
 - Tier 1: A numerical score on the application scoring rubric of 90-100;
 - Tier 2: A score of 80-89;
 - Tier 3: A score 70-79;
 - Tier 4: A score 60-69; and
 - Tier 5: A score of 59 or below.

406 Non-Exclusion

The Council shall not exclude any qualified applicant from the list provided to the Legislature. Miss. Code Ann. § 41-153-1(12).

Chapter 5 Reporting Requirements

501 Annual Report

By November 1 of each year, beginning November 1, 2026, the Council shall submit an annual report to the Legislature and the Governor summarizing the distribution of funds, outcomes of funded programs, and any recommendations for improving the process of appropriation, administration, and accountability of settlement funds. The report shall be made publicly available on the Attorney General's website. Miss. Code Ann. § 41-153-1(18)(a)-(b).

502 Reporting

Upon approval of the Council's recommendations by the Legislature and disbursement of funds, grant recipients shall be responsible for submitting requests for reimbursement and collecting certain financial and performance data associated with abatement projects and shall submit such requests and data to the Council, by and through the Attorney General's Office, and the third-party administrator on a monthly or quarterly basis, as applicable, no later than the 10th of each month if reporting monthly or January 10, April 10, July 10, and October 10 of each year if reporting quarterly. Lump sum awardees shall report quarterly. The specific reporting requirements shall be determined by the Council and clearly stated in a Memorandum of Understanding.