

**BYLAWS OF THE
SOUTH DAKOTA OPIOID ABUSE ADVISORY COMMITTEE
Adopted August 24, 2023**

Article I – Name of Organization

The name of the organization shall be the South Dakota Opioid Abuse Advisory Committee [“Committee”].

Article II – Purpose

The Committee shall be responsible for advising the South Dakota Department of Social Services regarding the allocation, distribution, grant, award or expenditure of monies deposited into the South Dakota Opioid Abatement and Remediation Fund [“Fund”] in accordance with SDCL 34-20B-116. Recommendations of the Committee regarding disbursements from the Fund shall be carried out by the Department of Social Services upon appropriation through the normal budget process.

In accordance with SDCL 34-20B-116 and opioid settlement agreements, the Committee may:

1. Establish criteria regarding eligibility for distribution of monies from the Fund, including but not limited to distribution by grant;
2. Establish criteria regarding the allocation of monies from the Fund among the state’s five behavioral health regions;
3. Establish criteria regarding allocation of monies from the Fund among political subdivisions;¹
4. Establish criteria regarding core strategies and approved uses of monies from the Fund;
5. Receive grant applications;
6. Recommend grant award processes, frequency, recipients, and grant amounts;
7. Establish processes for receiving input regarding opioid use disorder and other co-occurring substance use and mental health disorders and associated abatement needs, strategies, and responses;
8. Establish processes and criteria for evaluation of the use of monies, performance metrics, and the reporting of outcomes;
9. Otherwise provide advice to the Department of Social Services in exercising its responsibilities under the South Dakota Opioid Settlement Memorandum of Agreement [“MOA”].

Article III – Membership

The Committee shall consist of twenty-two (22) members as outlined in the MOA.

Local Members

Local representatives shall be recommended by the mayors of the following cities: Rapid City, Sioux Falls, Pierre, Aberdeen, Brookings, and Yankton.

State Members

State representatives shall be recommended by their respective agency as outlined in the MOA.

Vacancies

¹ The Committee shall have no ability to alter any direct payment received by any political subdivision from the national administrator as otherwise provided under any opioid settlement agreement.

Committee members shall serve on the Committee for an initial term of three years beginning July 1, 2022. Members may serve more than one term. At the conclusion of any term for which an eligible member elects not to continue for an additional term, a successor shall be selected in the same manner as the initial member. Committee members shall continue to serve until their replacement is appointed. If a member resigns or is otherwise removed prior to the expiration of any term, a replacement member shall be appointed within sixty days in the same manner as the selection of the initial member.

Article IV – Meetings

The Committee shall meet twice annually. A majority of members of the Committee present at any called meeting shall constitute a quorum. The continued presence of a quorum is required before any formal action is recommended.

Article V – Conflict of Interest

A conflict of interest is created through the existence of circumstances where the actions of member may have an effect or direct financial benefit or detriment to the member, his or her family, employer, professional or business associate, or a for profit or non-profit entity in which the member wither owns a substantial interest, is a member of the for profit or non-profit corporation’s board of directors or otherwise has an affiliation. A member shall disclose any potential conflict to the Committee as soon as the member is aware and abstain from voting on issues on which a conflict may exist.

Article VI – Roles of Agencies

Department of Social Services (DSS)

The DSS shall have sole accounting responsibilities regarding distributions from the Fund and shall serve as the primary point of contact with the South Dakota State Treasurer, the Bureau of Finance and Management for the State of South Dakota, and any national opioid settlement administrators.

Department of Health (DOH)

The DOH shall appoint all committee members in accordance with the MOA and these Bylaws, produce meeting minutes, maintain records of the Committee, and provide administrative support to the Committee.

Attorney General’s Office (AGO)

The AGO shall assist the Committee and the DSS in ensuring compliance with SDCL 34-20B-116 and terms of any opioid settlement agreements. The AGO shall verify that any recommendations for disbursement made by the Committee comply with SDCL 34-20B-116 and respective settlement agreements before the DSS makes any disbursements from the Fund.

Article VII – Amendments

A two-thirds majority vote of all Committee members shall be required to amend these Bylaws. No bylaws shall be considered for amendment unless notice of the same has been placed on the meeting agenda, and a copy of the proposed changes has been sent to members with the agenda prior to the meeting at which consideration of the amendment will take place.

Lori Martinec, Committee Chair

Date