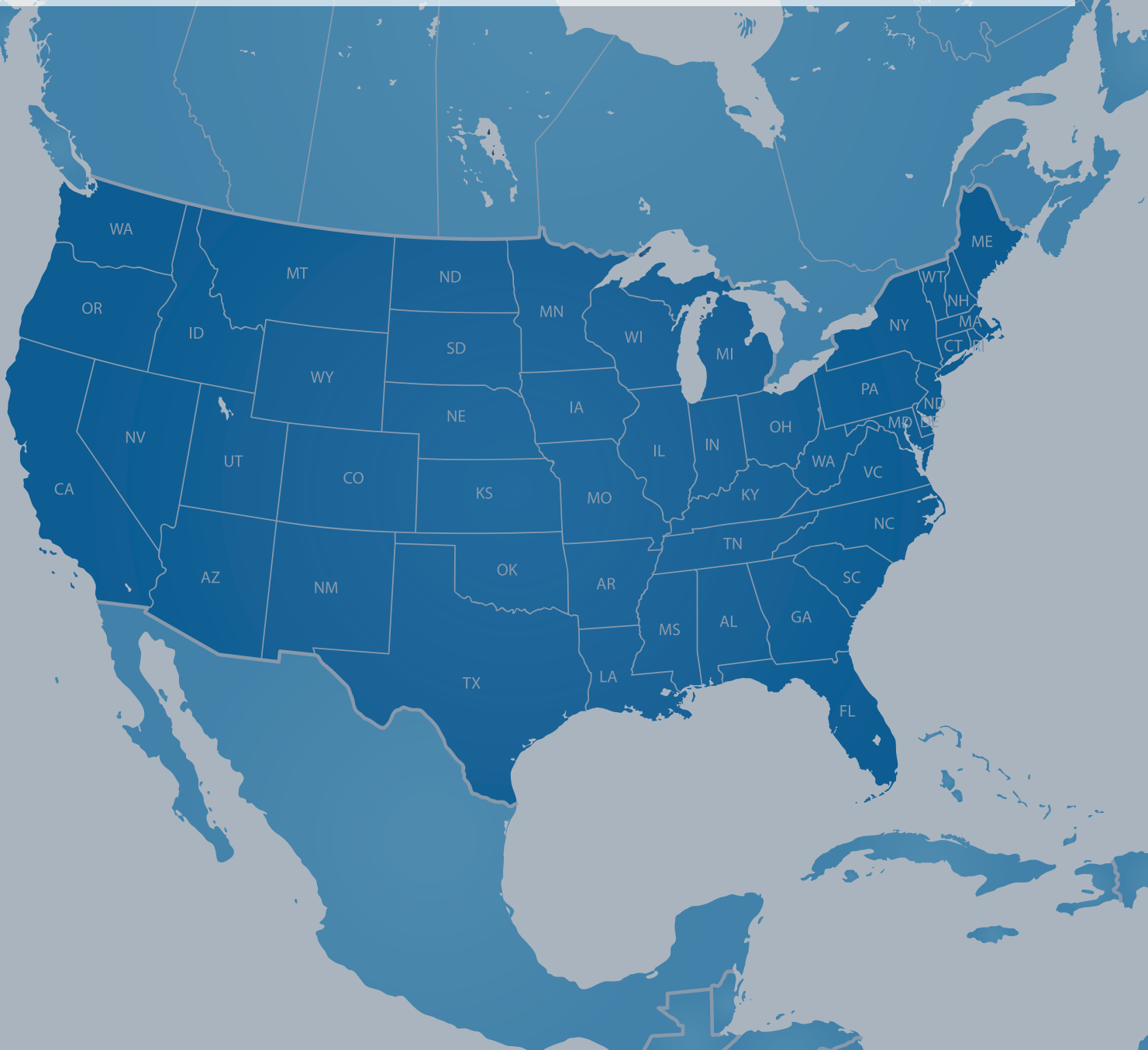


A Quick “How-To” Guide for Understanding Opioid Settlements State-to-State

NACCHOSM
National Association of County & City Health Officials



Community
Education
Group



Background

In 2021, nationwide settlements were reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors —McKesson, Cardinal Health, and AmerisourceBergen (“Distributors”)— and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, “J&J”). These “2021 National Settlements” have been finalized, and payments have already begun. In late 2022, additional agreements were announced with three pharmacy chains —CVS, Walgreens, and Walmart—and two additional manufacturers —Allergan and Teva. As with the 2021 National Settlements, states and local governments that want to participate in the 2022 National Settlements will now have the opportunity to “opt in.”

Every US state is receiving some amount of money from these Opioid Settlements. How this money is dispersed and spent varies widely, but in every state and locality there is an opportunity to support harm reduction efforts. Engagement of local health departments (LHDs) in the planning of fund disbursement is critical to ensure that evidence-based public health approaches are prioritized. The National Association of County and City Health Officials (NACCHO) partnered with Community Education Group (CEG) for a 3-part webinar series on Opioid Settlements across the country and how LHDs, and their community partners can, and are, leveraging funds to support evidence-based syndemic strategies to reduce harms associated with opioid use. This ‘Quick How-To Guide’ is a synthesis of what was shared and learned during these webinars and serves as a starting point for LHDs and their partners to understand these complex settlements and support evidence-based, harm reduction centered approaches to the spending of settlement dollars.

A Brief Primer on the Opioid Settlements

All 50 states, Washington D.C., and U.S. territories will be receiving [settlement money in some form \(https://www.opioidsettlementtracker.com/globalsettlementtracker/#statuses\)](https://www.opioidsettlementtracker.com/globalsettlementtracker/#statuses). Federally recognized tribes will also receive funds through separate Tribal Opioid Settlements.

- Most states are participating in national settlements with Janssen + Cardinal, McKesson, & AmerisourceBergen (\$26 billion) and Teva, Allergan, Walgreens, & Walmart (\$21 billion) as well as separate, smaller, settlements with other companies.
- Some states are pursuing an independent legal strategy, but their agreements still require settlement funds to be used to remediate the harms caused by the opioid crisis.

[National Settlement Spending Guidelines \(https://www.opioidsettlementtracker.com/settlementspending/#faq2\)](https://www.opioidsettlementtracker.com/settlementspending/#faq2):

- States are required to spend at least 70% of their share of the national settlements on *future opioid remediation*.
 - See [Exhibit E \(http://www.attorneygeneral.gov/wp-content/uploads/2021/12/Exhibit-E-Final-Distributor-Settlement-Agreement-8-11-21.pdf\)](http://www.attorneygeneral.gov/wp-content/uploads/2021/12/Exhibit-E-Final-Distributor-Settlement-Agreement-8-11-21.pdf), a list of approved opioid remediation strategies.
- A maximum of 15% can be spent on opioid crisis-related *reimbursement and administrative expenses* (i.e. past expenses).
- A maximum of 15% can be spent on non-opioid remediation expenses (e.g. to pave roads, or other government supported work and activities).

Enforcement of these guidelines is *not* very substantial.

- If states use settlement proceeds for activities other than Opioid Remediation, the amounts and uses (including any use to pay attorneys' fees and costs) must be reported to the Settlement Fund Administrator. States are encouraged but *not required* to make such reports public. It's unclear how involved the settlement administrators will continue to be and what enforcement powers they may have if states do not allocate or spend funds per guidelines.

Opioid Settlement Advisory Boards

- Most states have some sort of Opioid Settlement advisory board. LHDs and their community partners can work to ensure these boards are diverse and representative of communities impacted by the opioid overdose crisis, and that these board members have some level of decision-making power.
 - Representation should include people who use drugs or have survived an opioid overdose, loved ones of people who have died of an opioid overdose, and others impacted by opioid use.
- Additionally, LHDs and their community partners can have a voice in creating more robust reporting requirements at the state level, such as implementing public dashboards ([see North Carolina's example](#)).

Learn about Opioid Settlements in your State

Each state has its own process for how money will be distributed and how it will trickle down to communities. To understand how your state is managing opioid settlements, you'll need to do some digging.

Phase 1: Check out www.OpioidSettlementTracker.com

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- Use this website to find information on federal, state, and local spending of opioid settlements, including settlement [FAQ's](#) (<https://www.opioidsettlementtracker.com/faq>) on the origins of the litigation, state-level guides, and public reporting of expenditures.
- Find your state's [Community Advocate Guide](#) (<https://www.vitalstrategies.org/resources/opioid-settlement-funds-state-level-guides-for-community-advocates/>) created by Christine Min-hee, who created the opioid settlement tracker site, and the Vital Strategies Overdose Prevention Program.

Phase 2: Read the legal documents

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- To have a solid understanding of how your state is managing this process, you'll want to read the legislation and contracts (Memoranda of Understanding, State-Subdivision Agreements, intrastate allocation agreements) that legally bind the state into how they must allocate and spend the money.
 - These documents are on the Opioid Settlement Tracker [Allocation Plans](#) (<https://www.opioid-settlementtracker.com/settlementspending>) spreadsheet in the 2nd column and also cited in the [Community Advocate Guides](#) (<https://www.vitalstrategies.org/resources/opioid-settlement-funds-state-level-guides-for-community-advocates/>).
- Look for information about where the money sits and how it's allocated.
 - Considerations:
 - What is the process for states receiving and allocating funds?

- What entities are receiving settlement funds? How are these funds monitored? How are outcomes measured?
 - Note what percentage of the money goes where.
- Are funds being immediately distributed or will there be a schedule for funds released over time?
 - Some states are structuring funds to be distributed over long periods of time, while others are doling out lump sums.
- Who has decision-making authority? Is there a pot of money that is controlled by some agency or advisory authority? Is the state legislature responsible for allocating most of it? Do local jurisdictions require their own advisory authority?
- If there is an advisory authority mentioned:
 - Who is in this group, and is there representation from the community?
 - What requirements do they have to follow regarding how they allocate money, or to whom they allocate money?

Phase 3: Find the public information

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- Find your State Attorney General’s website and look for any information about opioid settlements.
- Many states have created a webpage to house information about opioid settlements. This page might only discuss the money that is managed by the advisory authority, however, it might include information about all the money. It might be associated with the Attorney General’s website or might be its own standalone site.
 - Look for any information about public meetings.
 - Look for a contact email that you could reach out to.
 - Look for any recordings or minutes of previous meetings and watch/read them if available.
- Search engines can be a great way to look up key terms and relevant information. On most search engines, you can also set up alerts for certain key terms and be notified when your state’s opioid settlement process is in the news.
- Ex. [Google Search Operators](https://www.indeed.com/career-advice/finding-a-job/google-search-operators) (<https://www.indeed.com/career-advice/finding-a-job/google-search-operators>).
 - Most state Attorneys General publish press releases when settlements are reached, and they sometimes give a short quote that tells you a bit about how the money will be allocated.
 - You’ll occasionally see an op-ed or other publication from someone saying how they hope the money will be spent. If you are not already in contact with the writer of the op-ed, this can be an opportunity to make an introduction.
- Don’t forget about your local partners and agencies!
 - Local jurisdictions in all states will be receiving money and must decide for themselves how to spend it. This can include local law enforcement, social services, and behavioral health. Dig into your town/city/county to find out who will be handling money.
 - Find your town/city/county’s decision-making body (likely called a council/board of commissioners/supervisors/etc.) and find out when they meet and might be discussing opioid settlement funds. Many local jurisdictions post their meeting minutes and even live stream and post recordings of meetings on their website.

Phase 4: Lather, rinse, repeat

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- This is an ongoing process, with many states planning for up to 20 years of settlement funds being dispersed.

- Along the way, build local coalitions, meaningful community engagement, partnerships with other local organizations and community members who can help ensure greater transparency in how state or local settlement dollars are spent and that those who are most impacted by opioids are centered in how funds are allocated and spent.
- There will be shifts, changes, and opportunities to build and act. Staying aware of these opportunities and having collaborative relationships will help your community be able to act fast as these opportunities arise.

Reach out to Tricia Christensen at Community Education Group if you want help investigating your state or local jurisdiction! Email her at tchristensen@communityeducationgroup.org.

Join CEG's Appalachia Opioid Remediation listserv where they share weekly updates about how the 13 states of Appalachia are managing and spending their opioid settlement money!

Resources for Community Members

[State Community Advocate Guides](https://www.vitalstrategies.org/resources/opioid-settlement-funds-state-level-guides-for-community-advocates/) (<https://www.vitalstrategies.org/resources/opioid-settlement-funds-state-level-guides-for-community-advocates/>)

Vital Strategies and Christine Minhee of [OpioidSettlementTracker.com](https://opioidsettlementtracker.com) released comprehensive guides on opioid settlement funds for all 50 states and the District of Columbia. Each guide contains essential information on total funding, legal mechanism(s) governing the process, and funding allocations in each state. The guides also offer critical information on other key areas such as:

- How decisions are made on the use of settlement funding at state and local levels
- The role of advisory bodies, including the involvement of people with lived experience
- Additional parameters states may have on approved uses for the funds
- What measures states have put in place to promote transparency and accountability
- Relevant state-specific resources
- How to engage in the process as a community advocate

[KFF Health News](https://kffhealthnews.org/news/article/localize-public-reporting-opioid-settlement-cash/) (<https://kffhealthnews.org/news/article/localize-public-reporting-opioid-settlement-cash/>)

Reporter Aneri Pattani of KFF Health News is investigating the use of opioid settlement funds across the country in a yearlong series of stories. Their webpage also includes resources to help people investigate opioid settlement spending in their state/county. You can find all the articles Aneri has written on this topic [here](https://kffhealthnews.org/opioid-settlements/) (<https://kffhealthnews.org/opioid-settlements/>), and you can send her tips for future ones [via this form](https://khn.org/tell-us-your-story/) (<https://khn.org/tell-us-your-story/>).

Lastly: KFF Health News allows other news outlets to re-publish their stories (online or in print) for free. So, if there's a local newspaper, radio station, etc. that you think should re-publish this – to help get the attention of local stakeholders – please let them know. Details on re-publishing are [here](https://khn.org/syndication/) (<https://khn.org/syndication/>).

[Principles for the Use of Funds from the Opioid Litigation](https://opioidprinciples.jhsph.edu/wp-content/uploads/2022/11/OP033_CommunityAdvocacyResource_OpioidSettlement_Hopkins_103122.pdf) (https://opioidprinciples.jhsph.edu/wp-content/uploads/2022/11/OP033_CommunityAdvocacyResource_OpioidSettlement_Hopkins_103122.pdf)

Vital Strategies along with the folks over at Johns Hopkins Bloomberg School of Public Health who developed the "[Opioid Litigation Principles](https://opioidprinciples.jhsph.edu/)" (<https://opioidprinciples.jhsph.edu/>) developed a document outlining how advocates can expand on existing efforts to make sure their state's opioid settlement funds are used in accordance with the Principles.

[Reporting on Addiction \(ROA\)](https://www.reportingonaddiction.org/ostrh)(<https://www.reportingonaddiction.org/ostrh>)

ROA has created a guide to assist journalists who are interested in writing stories on opioid settlements. They help to connect journalists with subject matter experts to ensure their reporting is evidence-based. Check out their website to add yourself as a local expert. If you speak with a journalist about opioid settlements for any reason, you may want to share this resource with them.

Resources for State and Local Decision Makers

[National Association of Counties Opioid Solutions Center \(NACo\)](https://www.naco.org/resources/opioid-solutions-center)(<https://www.naco.org/resources/opioid-solutions-center>)

NACo's Opioid Solutions Center provides several resources to help counties maximize the impact of opioid settlement dollars, including:

- [Planning Principles Toolkit](https://www.naco.org/resources/opioid-solutions/planning-principles-toolkit) (<https://www.naco.org/resources/opioid-solutions/planning-principles-toolkit>) that provides guidance on planning, allocating, and managing opioid litigation funds
- [Strategy Briefs](https://www.naco.org/resources/opioid-solutions/approved-strategies) (<https://www.naco.org/resources/opioid-solutions/approved-strategies>) for several of the Exhibit E approved strategies for spending settlement funds
- [Technical Assistance](https://www.naco.org/resources/opioid-solutions/technical-assistance) (<https://www.naco.org/resources/opioid-solutions/technical-assistance>) and other funding and training opportunities
- [County Examples](https://www.naco.org/resources/opioid-solutions/counties-in-action) (<https://www.naco.org/resources/opioid-solutions/counties-in-action>) of settlement spending

Additionally, NACo, in partnership with Vital Strategies, developed the [Opioid Solutions Leadership Network](https://www.naco.org/resources/opioid-solutions/leadership-network) (<https://www.naco.org/resources/opioid-solutions/leadership-network>), a national cohort of county leaders pursuing innovative and evidence-based solutions with opioid settlement funds.

[Strategies for Effectively Allocating Opioid Settlement Funds](https://www.rand.org/health-care/centers/optic/tools/fund-allocation.html) (<https://www.rand.org/health-care/centers/optic/tools/fund-allocation.html>)

This publication from RAND Corporation provides recommendations for addressing the root causes of overdose deaths.

[Quick Guide to Conducting a Needs Assessment](https://www.oaa.virginia.gov/media/governorvirginiagov/oaa/pdf/OSC_QuickGuide_NeedsAssessment.pdf) (https://www.oaa.virginia.gov/media/governorvirginiagov/oaa/pdf/OSC_QuickGuide_NeedsAssessment.pdf)

This publication from NACo and Johns Hopkins School of Public Health outlines the steps to conducting a community health needs assessment in preparation for spending settlement funds.

[Evidence Based Strategies for Abatement of Harms from the Opioid Epidemic](https://www.lac.org/resource/evidence-based-strategies-for-abatement-of-harms-from-the-opioid-epidemic) (<https://www.lac.org/resource/evidence-based-strategies-for-abatement-of-harms-from-the-opioid-epidemic>)

This publication from Legal Action Center was jointly produced by several national addiction experts and contains recommendations and evidence-based strategies for investment of opioid settlement funds.

[Primer on Spending Funds from the Opioid Litigation](https://opioidprinciples.jhsph.edu/wp-content/uploads/2022/04/Primer-on-Spending-Funds.pdf) (<https://opioidprinciples.jhsph.edu/wp-content/uploads/2022/04/Primer-on-Spending-Funds.pdf>)

This guide for state and local decision makers was developed by Johns Hopkins School of Public Health to give specific examples related to each of the 9 core abatement strategies named in most settlement agreements.

- If you are working with or have heard of a state, county, or city whose settlement planning or spending aligns with the [Principles](https://opioidprinciples.jhsph.edu/the-principles/) (<https://opioidprinciples.jhsph.edu/the-principles/>) and you think their work should be recognized as a national example, consider [nominating](https://us13.list-manage.com/survey?u=bc9420c38a7342aad6f314c0c&id=c39b436f4b&attribution=false) (<https://us13.list-manage.com/survey?u=bc9420c38a7342aad6f314c0c&id=c39b436f4b&attribution=false>) them. Along with their award, they will be featured on the [Principles website](https://opioid-principles.jhsph.edu/) (<https://opioid-principles.jhsph.edu/>) highlighting their achievement.

[6 Toolkits to Help #EndOverdose](https://www.vitalstrategies.org/six-toolkits-to-help-endoverdose/) (<https://www.vitalstrategies.org/six-toolkits-to-help-endoverdose/>)

These toolkits from Vital Strategies are packed with strategies to advance public health responses to the overdose crisis.

[Evidence Based Strategies for Abatement of Harms from the Opioid Epidemic](https://drugfree.org/reports/strategies-for-abatement-of-harms-from-the-opioid-epidemic/) (<https://drugfree.org/reports/strategies-for-abatement-of-harms-from-the-opioid-epidemic/>)

This publication from Partnership to End Addiction includes cost estimates for scaling programs and discusses how some programs may be more practical than others given each state's political, financial, and infrastructure circumstances.

[How to Optimize the Opioid Settlements](https://ldi.upenn.edu/our-work/research-updates/will-states-and-counties-spend-their-national-opioid-settlements-effectively) (<https://ldi.upenn.edu/our-work/research-updates/will-states-and-counties-spend-their-national-opioid-settlements-effectively>)

This seminar from Penn LDI discusses best practices for managing opioid settlement funds and emphasizes that the management of settlement money is a political process that requires the government to hear thoughts and desires from the public in order to have the most impact with their funds.

Resources for Service Providers

[National Harm Reduction Technical Assistance Center](https://harmreductionhelp.cdc.gov/s/) (<https://harmreductionhelp.cdc.gov/s/>)

The NHRTAC provides access to several technical assistance providers across the country and offers free help to anyone in the country providing (or planning to provide) harm reduction services to their community.

[Harm Reduction Hacks](https://www.harmreductionhacks.org/) (<https://www.harmreductionhacks.org/>)

This comprehensive resource from NASTAD is designed to guide organizations in developing syringe services programs from organizational design to program implementation and data reporting.

[Supporting and Building the Peer Recovery Workforce: Lessons from the Foundation for Opioid Response Efforts 2023 Survey of Peer Recovery Coaches](https://forefdn.org/supporting-and-building-the-peer-recovery-workforce-lessons-from-the-foundation-for-opioid-response-efforts-2023-survey-of-peer-recovery-coaches/) (<https://forefdn.org/supporting-and-building-the-peer-recovery-workforce-lessons-from-the-foundation-for-opioid-response-efforts-2023-survey-of-peer-recovery-coaches/>)

Many jurisdictions across the country are investing opioid settlement dollars into the peer workforce, and it's important that peers are fully appreciated and supported in their work. This survey report shares about peers' experiences with training, certification, supervision, and compensation, what motivates them to do their work, and what supports they would need to remain in the profession.

[Center on Rural Addiction](https://www.uvmcora.org/what-we-do/) (<https://www.uvmcora.org/what-we-do/>)

If your organization has a rural address ([check here](https://data.hrsa.gov/tools/rural-health) <https://data.hrsa.gov/tools/rural-health>), the Center on Rural Addiction can provide NaloxBoxes and other harm reduction supplies at no charge. Email CORA.BP@uvm.edu.

[FAQ - Intramuscular Injectable Naloxone](https://cdn.shopify.com/s/files/1/0639/2748/4637/files/IM_Naloxone_FAQ.pdf?v=1669955943) (https://cdn.shopify.com/s/files/1/0639/2748/4637/files/IM_Naloxone_FAQ.pdf?v=1669955943)

This FAQ is a great resource for learning about low-cost generic naloxone.

[Readiness Assessment for Harm Reduction Vending Machines](https://americanhealth.jhu.edu/news/new-toolkit-assesses-community-readiness-harm-reduction-vending-machine) (<https://americanhealth.jhu.edu/news/new-toolkit-assesses-community-readiness-harm-reduction-vending-machine>)

If your jurisdiction is interested in setting up a harm reduction vending machine, check out this guide to help you determine the best path forward.

[Distribution of Safer Drug Smoking Supplies as a Public Health Strategy](https://adai.uw.edu/wordpress/wp-content/uploads/SaferSmokingBrief_2022.pdf) (https://adai.uw.edu/wordpress/wp-content/uploads/SaferSmokingBrief_2022.pdf)

This issue brief from the University of Washington discusses the benefits of distributing safer smoking supplies, a harm reduction strategy that many organizations lack dedicated funding for.

[Wound Care and Medical Triage](https://nastad.org/sites/default/files/2023-04/PDF-Wound-Care-And-Triage.pdf) (<https://nastad.org/sites/default/files/2023-04/PDF-Wound-Care-And-Triage.pdf>)

This guide from NASTAD discusses many ways to prevent and care for wounds associated with drug use and includes a list of helpful supplies to distribute or have on hand.