



# **Opioid Litigation and Settlements: Overview, Model Policies and Strategies to Maximize Impact**

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# The Addiction and Public Policy Initiative

Advancing a public health approach to substance use disorders through legal and policy strategies that promote evidence based treatment and support recovery.



# OPIOID LITIGATION AND SETTLEMENTS: RECAP

# Litigation and Settlement Recap

- Lawsuits by states, local governments (city, county) & tribal sovereign nations + Bankruptcy cases
- Up to \$54 Billion – “global” settlement is approx. half
- Some – not all – funding distributed over 18 years
- Spending requirements and guardrails are outlined in settlement language, state legislation, and allocation agreements
- Allocation and amount varies by state



Opioid Litigation Proceeds:  
GOVERNANCE PRINCIPLES,  
STRATEGIES, AND TOOLS

# Governance Principles

Tobacco Settlement: Less than 10% of the \$206 billion award funding tobacco-related public health strategies. To prevent this and maximize settlement dollars:

- Settlement proceeds must be separated from state general funds.
- Governance strategies must be put in place to create and support systems of oversight and accountability.
- Implement a whole person, whole government approach

Sustained political will to address the issues over the entire settlement period is required.

**SYSTEMS OF OVERSIGHT AND  
ACCOUNTABILITY CAN ENSURE THAT OPIOID  
SETTLEMENT FUNDS ARE USED TO ADVANCE  
PUBLIC HEALTH STRATEGIES.**



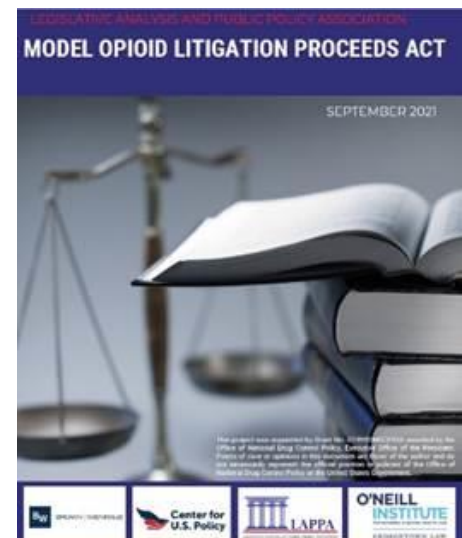
# Supplement, Don't Supplant Existing Dollars

## Strategies:

- Establish a dedicated fund in which to put settlement dollars.
- Understand existing baseline level of spending on substance use disorders

## Tools/Resources:

- Model Opioid Litigation Proceeds Act
- Temple University PDAPS database of state laws directing opioid settlement dollars
- OpioidSettlementTracker.com



# Strategies to Ensure Accountability and Transparency

- Review existing state ethics codes and applicable laws, such as open meeting laws, to determine current requirements and need for updates
- Prioritize a diverse make-up of decision-making or advisory councils, boards, or committee to guide spending
- Decision-making meetings should be open to the public, available on the Internet, and materials posted.





# Strategies to Ensure Accountability and Transparency

## Which Voices Are Part of Your State's Council?

Legend:

- Law enforcement and criminal justice
- Elected officials
- Government representatives
- Medical and social service providers
- Public health and human services
- Private health and human services
- Lived or shared experience
- Other

Hawaii



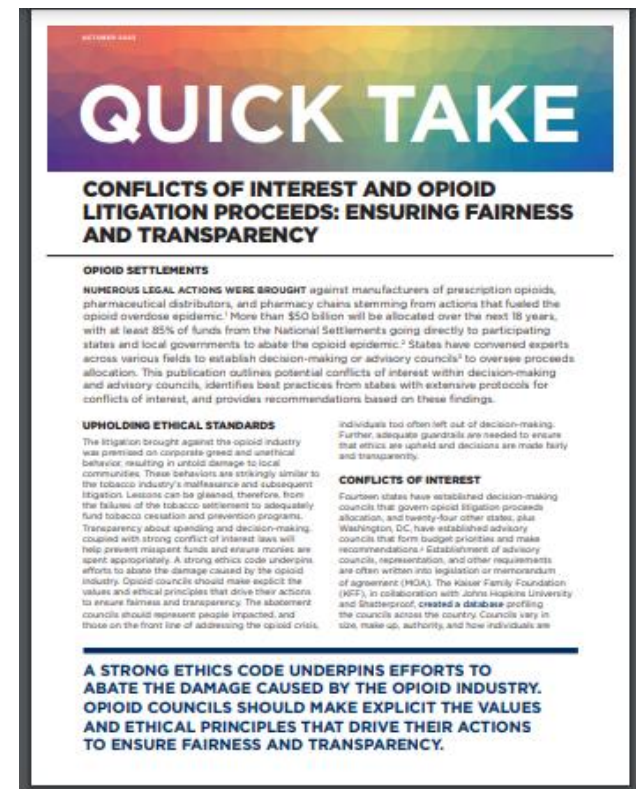
Nationwide total



Credit: KFF Health News' Lydia Zuraw, Aneri Pattani, Colleen DeGuzman, and Megan Kalata; Shatterproof's Kristen Pendergrass and Eesha Kulkarni; Johns Hopkins University's Sara Whaley and Henry Larweh

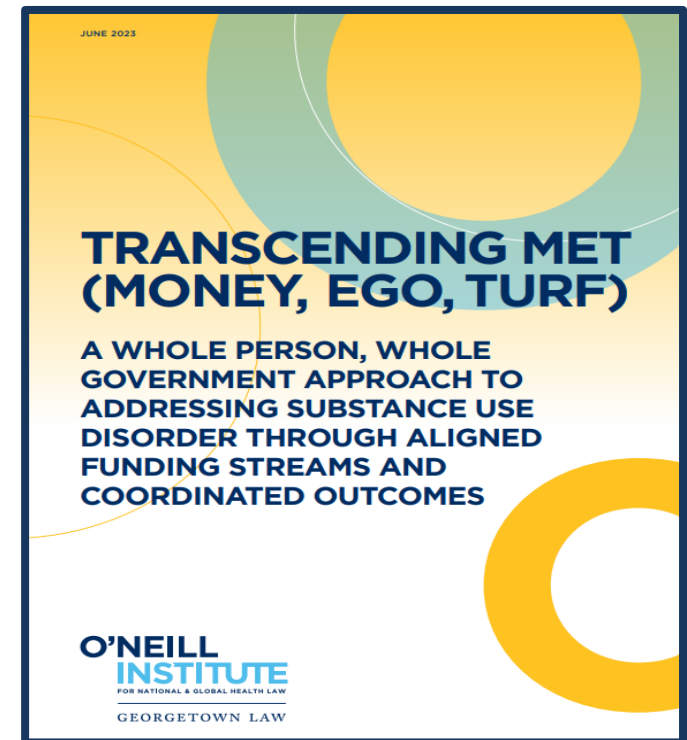
# Strategies to Ensure Accountability and Transparency

- Establish a specific conflict of interest policy for advisory and decision-making council which includes
  - a process for recusal
  - ethics training, and
  - a mechanism for reporting potential ethical violations
- Commit to public reporting of settlement expenditures



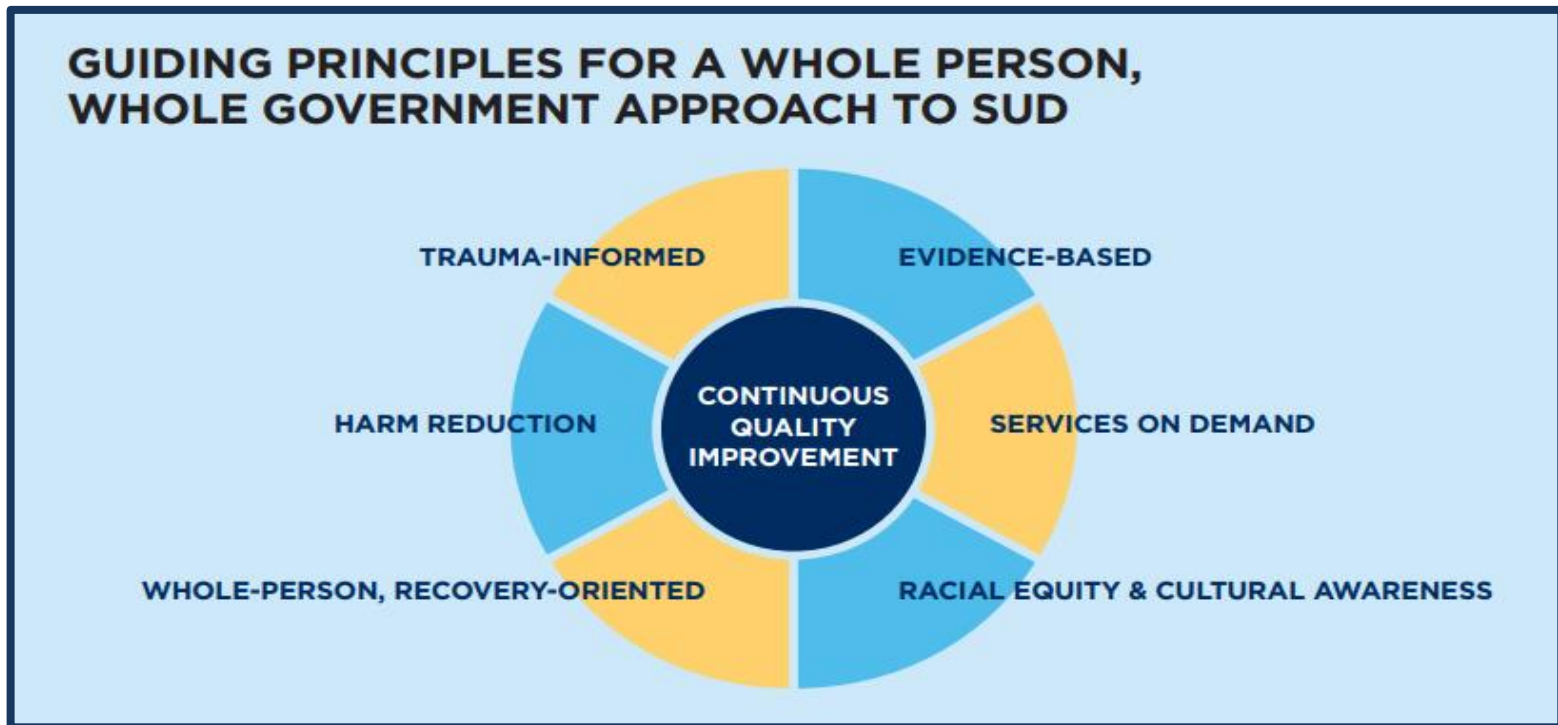
# Whole Person, Whole Government Approach

1. POLICIES AND PROGRAMS ACROSS ALL OF GOVERNMENT SUPPORT RECOVERY AND REFLECT SCIENCE AND EVIDENCE
2. STANDARDIZED OUTCOMES FOR SUD ACROSS GOVERNMENT AGENCIES
3. ALIGNING FUNDING FOR SUD ACROSS GOVERNMENT AGENCIES TO MEET A COHESIVE SET OF OUTCOMES
4. GOVERNANCE FOR AN ECOSYSTEM OF CARE



# Whole Person, Whole Government Approach

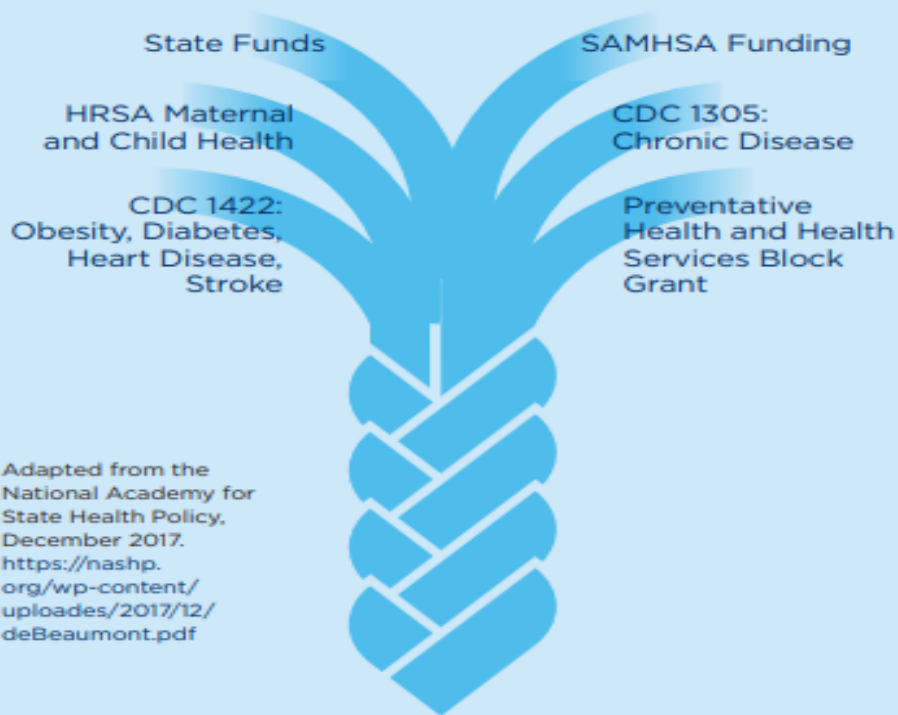
Use state budget-making to align settlement funding with other federal & state dollars for a cohesive system to address SUD



# Whole Person, Whole Government Approach

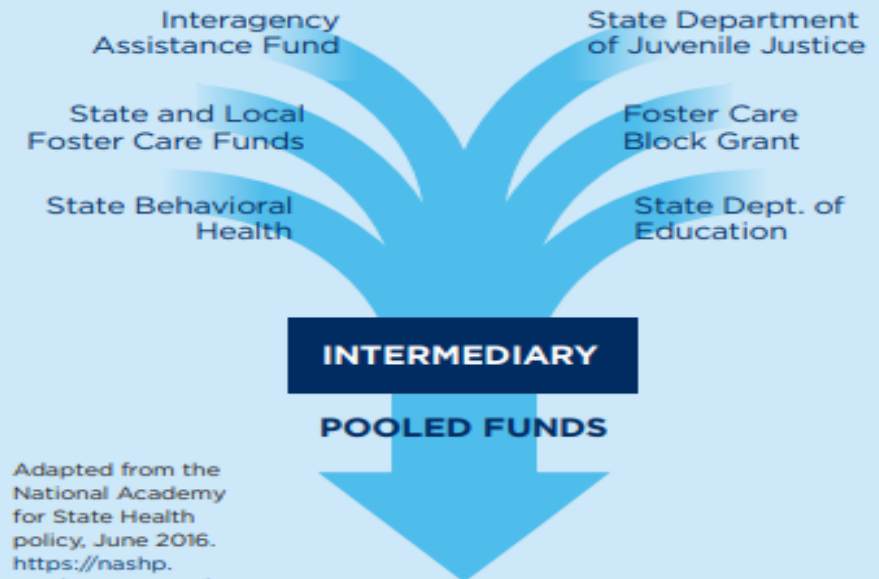
## BRAIDED AND BLENDED FUNDING SYSTEMS

### BRAIDING



Adapted from the National Academy for State Health Policy, December 2017. <https://nashp.org/wp-content/uploads/2017/12/deBeaumont.pdf>

### BLENDING



Adapted from the National Academy for State Health Policy, June 2016. <https://nashp.org/wp-content/uploads/2016/06/CSA-Virginia-Brief-1.pdf>

# Opioid Litigation Proceeds: Frameworks to Guide Spending

## Global Settlement - Allowable uses in Exhibit E

### • Schedule A – Core Strategies

- Naloxone
- MAT
- Pregnant & postpartum women
- Expanding treatment for neonatal abstinence syndrome
- Expansion of warm hand-off programs and recovery services
- Treatment for incarcerated population
- Prevention programs
- Expanding syringe service programs
- Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the state

### • Schedule B – Approved Uses

- Part One: Treatment
  - Including broader support & connections to care
- Part Two: Prevention
  - Prevent over-prescribing
  - Prevent misuse of opioids
  - Prevent overdose deaths and other harms (harm reduction)
- Part Three: Other Strategies
  - First responders
  - Leadership, planning, and coordination
  - Training
  - Research



## Guiding Principles: Johns Hopkins and broad coalition

1

Spend Money to Save Lives

2

Use Evidence to Guide Spending

3

Invest in Youth Prevention

4

Focus on Racial Equity

5

Develop a Fair and Transparent Process



# How should the money be spent?

## Tribal Principles

- 1. Culture First: Support Cultural and Traditional Healing in Your Community**
- 2. Invest in Opportunities for Reciprocal Learning and Partnerships Across Tribes**
- 3. Healing Support for Families: Invest in Parent, Caregiver and Elder Resources**
- 4. Sustain and Enhance Substance Use Services for Youth**
- 5. Create Opportunities for Holistic Well-Being**

# The Opioid Litigation

**Proceeds from the opioid litigation present an unparalleled opportunity** for government leaders to remedy many of the catastrophic public health and societal harms caused by the opioid epidemic. The strategies created to ensure accountability and oversight of these funds can provide a blueprint for future public health litigation. Policymakers must take the necessary steps to safeguard these funds and optimize the possible benefits by supporting a system that ensures access to evidence-based, evidence-informed, and community-centered programs.

## Addiction and Public Policy Initiative



## Georgetown Project Resources:

[oneill.law.georgetown.edu/projects/maximizing-the-impact-of-opioid-litigation-settlements/](https://oneill.law.georgetown.edu/projects/maximizing-the-impact-of-opioid-litigation-settlements/)

**Model Legislation:** [legislativeanalysis.org/model-opioid-litigation-proceeds-act/](https://legislativeanalysis.org/model-opioid-litigation-proceeds-act/)

**Temple University PDAPS Database:** <https://pdaps.org/datasets/model-opioid-litigation-proceeds-act>

**Johns Hopkins Principles for Opioid Litigation Spending:**

<https://opioidprinciples.jhsph.edu/>

**Tribal Principles for Opioid Litigation Spending:**

<https://opioidprinciples.jhsph.edu/tribal-principles-guidance-for-tribes-receiving-opioid-litigation-settlements/>

# Acknowledgement of the lives lost



# CONTACT

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