

Overview: Opioid Settlement Funds

Hampshire HOPE - March 22, 2023



Context

From 2009 through September 2021, state records show that 18,061 Massachusetts residents died of opioid related overdoses. More than 68% of those people 12,372 Massachusetts residents filled prescriptions for Schedule II opioids written by Massachusetts prescribers.

Result: Over \$900 million in settlement funds for prevention, harm reduction, treatment, and recovery services.

Entities

Current:

- McKinsey
 - Payment start: 2021
- Johnson & Johnson and Distributors
 - Payment start: 2022

Projected Payment Start Date: 2023

- Teva
- Allergen
- CVS
- Walgreens
- Walmart

In order to receive payment under these settlements, Massachusetts cities and towns, as well as eligible special districts, must sign on to the settlements by April 18, 2023

Municipal Sign-On Process

- Municipalities must sign and return a participation form for each settlement in which they would like to participate.
 - **Note:**
 - The Allergan and Teva settlements have a shared participation form. (“Will your subdivision or special district be signing the settlement participation forms for the Allergan and Teva Settlements at this time? Yes/No”)
 - Each of the other three settlements (CVS, Walgreens, and Walmart) have separate participation forms.
- Forms submitted for prior settlements, such as the settlement with J&J, are not applicable to the five new settlements.
- Prompt sign-on will ensure that Massachusetts and its municipalities receive the maximum amount of abatement funds from the settlements.

Breakdown

Under the State Subdivision Agreement, funds from statewide opioid settlements are allocated as follows:

- 40% to the state's municipalities to expend on [approved programs and strategies](#)
- 60% to the state's [Opioid Recovery and Remediation Fund](#)

Municipalities should develop plans that:

- Incorporate community input **from those directly affected** by the opiate epidemic.
- Address service disparities to **increase access and equity** in treatment and services for OUD, prevention and harm reduction relating to opiates.
- **Leverage** existing state, city, town and community opiate use disorder, mental health disorder and behavioral health disorder programming and services.

Municipalities are encouraged to innovate and collaborate in developing opioid abatement fund strategies.

MA Abatement Terms:

- “encourages innovation, fills gaps and fixes shortcomings of existing approaches;
- supplements rather than supplants resources for prevention, harm reduction, treatment, and recovery;
- includes evidence-based, evidence-informed, and promising programs; and
- **takes advantage of the flexibility that is allowed for these funds.”**

Existing & Free Harm Reduction Resources

(things that can already be done, right now, without these funds)

- Bulk Purchasing of Narcan
 - Municipal Police and Fire Departments are welcome to order fully subsidized naloxone from the State Office of Pharmacy Services (SOPS), funded by BSAS.
- Community Naloxone Purchasing Program
 - Organizations that work with individuals who may either witness or experience an overdose are welcome to apply to the CNPP and access fully subsidized naloxone funded by BSAS.
- Fentanyl Testing Strips
 - Fentanyl Test Strips are now available for free from the DPH Health Promotion Clearinghouse funded by BSAS. They are shipped out with an accompanying instructional wallet card.

Categories of spending include:

- Opioid Use Disorder Treatment
- Support People in Treatment and Recovery
- Connections to Care
- Harm Reduction
- Address the Needs of Criminal-Justice-Involved Persons
- Support Pregnant or Parenting Women and Their Families, Including Babies with Neonatal Abstinence Syndrome
- Prevent Misuse of Opioids and Implement Prevention Education

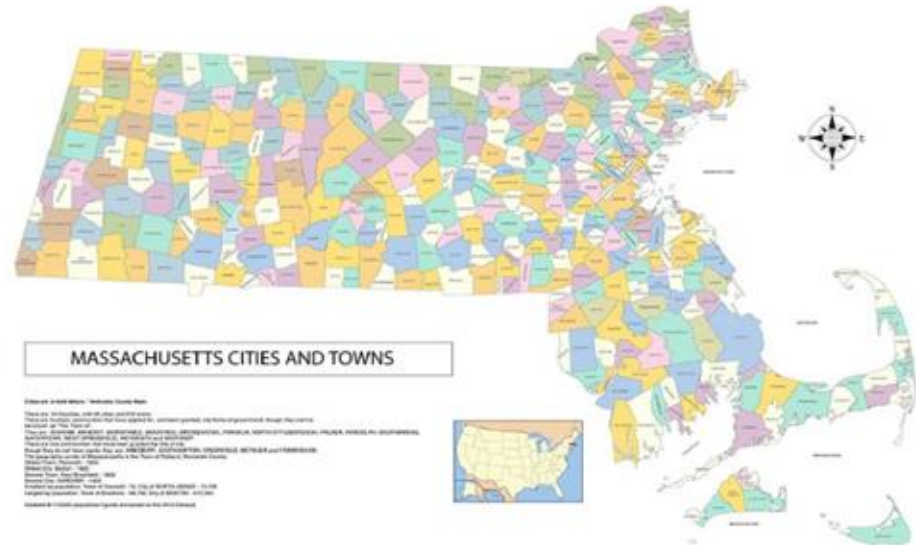
Reporting Requirements (starting Aug. 2023)

Those municipalities that received \$35,000.00 or more in FY23 (independently or pooled) are required to submit a report. The reporting form covers:

- Efforts to solicit community input regarding how abatement funds should be spent from local stakeholders **including people with lived experience of the opioid epidemic.**
- **Efforts to address service disparities and inequity** in opioid use disorder treatment, prevention, harm reduction, and recovery support and to direct resources to under-served or vulnerable populations.

Report Visualization

All municipal annual reports will be publicly available in an interactive map for full transparency



Regional Community Engagement Teams

- Regional Community Engagement Teams will be available to help support municipalities with coordination of input from people with lived experience.
- **Central & Western Region contact:** Debra.J.Flynn-Gonzalez@mass.gov

For more info: <https://www.mass.gov/info-details/guidance-for-municipalities-utilizing-opioid-settlement-abatement-payments#regional-community-engagement-assistance->

Western Region:

Debbie Flynn-Gonzalez	Peer Recovery Support Coordinator	BSAS Regional Contact: debra.j.flynn-gonzalez@mass.gov
Nico Alicea	Regional Coordinator	MOAR
peter babineau	Director - Learn to Cope West	Learn to Cope
Erin Forbush	Director	ServiceNet
Kristel Applebee	Chief Executive Officer	WMTC
John Sullivan	Assistant Director	Northampton Recovery Center, WMTC

FAQs from HOPE 12/19/22 Meeting

- All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation... Accordingly, statewide opioid settlement funds received by a municipality belong to its general fund.
- ***The legislature is considering an amendment to allow for separate, non-general fund deposit***
 - The Legislature is currently considering an amendment to G.L. c. 44, §53 that would permit municipalities to deposit statewide opioid settlement funds in a separate fund, outside of the general fund, upon the approval of the Director of Accounts. Under the proposed amendment, municipalities would still be required to appropriate the funds for their intended purposes. The Division of Local Services linked to and summarized the proposed amendment in its May 19, 2022 issue of City & Town.

From the Attorney General's Office:

For answers to **settlement-related FAQs**, charts reflecting estimated payments, and other information, visit the [AGO's website](#) or email MAOpioidSettlements@mass.gov

For answers to questions about **abatement strategies**, reporting and technical support, email OpioidRecoveryandRemediationFund@mass.gov.

Website coming soon!

For answers to **local finance law questions** relating to the settlement funds, local officials should email their question and phone number to Department of Revenue's [Division of Local Services](#) at DLSlaw@dor.state.ma.us. DLS also published answers to FAQs about municipal treatment of opioid settlement funds in its July 7th issue of [City & Town](#).

For **procurement-related guidance** and technical assistance, contact the Office of the Inspector General's [Chapter 30B procurement team](#), at 617-722-8838 or 30BHotline@mass.gov. The OIG also published answers to FAQs about the municipal abatement funds [here](#).

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