

County Opioid Settlement Funds FAQS

*A RESOURCE FOR COUNTIES PROVIDED
BY THE UTAH ASSOCIATION OF COUNTIES*

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The National Opioid Settlement is a direct result of investigations into manufacturers, distributors, and retailers of opioids, which revealed that these parties were aware of the dangers of opioids before they became popular on the pharmaceutical market and not only hid that information, but also used unethical practices in marketing and pushed doctors to prescribe opioids. Attorneys General and County Attorneys across the nation pressed for recompense, and the manufacturers, distributors, and retailers have been reaching settlements with participating governments since 2022.

This money is not meant to make up for the lives lost to the opioid epidemic; rather, it is to curb the epidemic and help relieve some of the harm that has been caused. The funds are to be used directly for opioid remediation and abatement.

All of Utah's counties, as well as the State, have elected to participate in this settlement. As a result, the National Settlement Fund Administrator, BrownGreer, collects payments from the defendants and distributes them to the State and counties based upon the percentages decided upon in the Utah MOU that all counties and the State signed.

Additional settlements may be reached with other opioid manufacturers and distributors, which would increase the amount of money counties receive. Counties will be notified of any changes to the settlement.

UAC is not involved directly in the opioid settlement or the distribution or spending of the monies; all updates, payment estimates, and information is provided solely as a service to the counties.

WHAT CAN FUNDS BE USED FOR?

Priorities for funds as determined in the MOU that all participating counties signed are:

- Naloxone or other FDA-approved drugs to reverse opioid overdoses
- Medication-Assisted Treatment (MAT) distribution and other opioid-related treatment
- Expanding opioid-related treatment for pregnant & post-partum women
- Expanding treatment for Neonatal Abstinence Syndrome (NAS)
- Expanding warm hand-off programs and recovery services
- Treatment for incarcerated populations
- Prevention programs
- Expanding syringe service programs
- Evidence-based data collection and research analyzing the effectiveness of the abatement strategies within the state

Broadly, the money may be used for any programs, services, or efforts that contribute towards opioid abatement.

Details and examples can be found within Schedule A and Schedule B of the MOU.

WHEN DO COUNTIES GET THE MONEY?

Payments are going out on a continual basis. BrownGreer, the National Settlement Fund Administrator, seems to administer the funds on the basis of a July-through-June fiscal year. If you are missing a payment for a calendar year that has recently ended, you will likely see it before the end of June.

If you have not received a payment you were expecting or have questions about your payments, contact the National Settlement Fund Administrator at DirectingAdministrator@NationalOpioidOfficialSettlement.com or (888) 441-2010.

You may also contact the National Settlement Fund Administrator through your Authorized Official. Each county has an "Authorized Official" who is the main point of contact between BrownGreer and that county. The authorized officials can also add "Authorized Account Holders." Both the Authorized Official and the Authorized Account Holders for each county have full access to their county's portal, where they can view payments made, update payment information, submit reporting, and be included in communications from BrownGreer. If you do not know who your Authorized Official is, you can contact Katherine at katherine@uacnet.org.

CAN FUNDS BE CARRIED OVER INTO THE NEXT YEAR?

There is no requirement that all funds must be used each year, or even that any funds must be used in a year. However, reports still should be filed, even if no money is spent in a given year.

If money is given to the counties from the State opioid settlement fund, there may be some requirements to spend that money within a certain time period. Money coming from the state will likely need to be applied for through a grant process and will be clearly identified when coming to a county. More information about this can be found under the section “What is the State doing with its opioid money?” at the end of this document.

WHAT ARE THE REPORTING REQUIREMENTS?

Counties must:

- File a plan on how they will use the money for the upcoming year with the Administrator before June 1 of each year, including the amount of funds it anticipates disbursing and the proposed uses of those funds.
- File a report on how they used the money for the previous year with the Administrator before July 1 of each year, including the amount of funds received that year, the allocation of funds received (listing the recipient of a third party, the program funded, and disbursements), and the amounts disbursed on approved allocations.
- Maintain at least five years of records on the expenditures of settlement funds.
- Publish a report on their website at least annually detailing how much money was received and how it was spent the previous year.

The MOU does not identify an Administrator to report to. The Utah County and District Attorneys Association suggested that UAC should act as the reporting Administrator. Reports can be emailed to Katherine at katherine@uacnet.org.

Utah State Code 26B-5-211 states that the Office of Substance Use and Mental Health (OSUMH) within the Department of Health and Human Services will report on all opioid settlement fund uses, including how the counties use their funds, to the Legislature. UAC will share relevant county reports with the Office as needed. OSUMH is creating a template for the reports to follow; until that template is sent out to counties, counties may submit their reports to UAC in any format they wish if they include the information outlined in the MOU.

Counties need only to report uses to the Payment Administrator, BrownGreer, if they used their funds for non-approved uses.

WHO IS THE ADMINISTRATOR?

There are two different Administrators referred to in the MOU: the "National Settlement Fund Administrator," the entity responsible for enforcing the provisions of any national settlement or bankruptcy plan and administering the monies, and the "Administrator," the entity responsible for compiling data and information from the settling parties.

The National Settlement Fund Administrator is BrownGreer PLC. They were selected by the Enforcement Committee and other parties to administer the settlement money.

The Utah County and District Attorneys Association selected the Utah Association of Counties to be the Administrator and to collect data and reports from the counties.

WHAT IS UAC'S INVOLVEMENT IN THE OPIOID SETTLEMENT?

UAC does not have any official authority over the opioid settlement or how counties use their money. UAC does not receive any portion of the opioid settlement. Money is not passed through UAC to the counties but instead comes directly from the National Settlement Fund Administrator BrownGreer.

UAC was selected by the Utah County and District Attorneys Association to be the reporting Administrator as detailed in the MOU. Counties should send their yearly reports to Katherine at katherine@uacnet.org.

UAC calculates and provides opioid settlement payment estimates when new settlements are reached. This is provided as a service to the counties.

UAC staff has done research into best uses of opioid money and how the MOU is structured and is happy to provide information, although county attorneys should be consulted.

HOW IS THE MONEY SPLIT BETWEEN THE STATE AND THE COUNTIES?

The State gets half of the overall settlement, and the other half is split among the counties.

The payment for each county is based on a formula that includes population and impact of opioids.

DOES THE STATE HAVE ACCESS TO ANY OF THE COUNTY MONEY?

No. Money is sent directly from the National Settlement Fund Administrator (BrownGreer) to counties and counties get to decide what to do with it.

DOES THE STATE HAVE ANY OVERSIGHT OF THE COUNTY MONEY?

If the State suspects a county of misusing funds, they can request documents and file an injunction in the Third District Court. Counties can also request documents and report the State or other counties.

The Office of Substance Use and Mental Health under the Department of Health and Human Services is directed under Utah State Code 26B-5-211 to report opioid settlement fund uses, including counties' uses, to the Legislature. Part of the reason for this is to let the State know what counties' priorities are so that the State can assist in those priorities.

The State cannot direct counties to use their opioid settlement funds in any way.

WHAT IS THE STATE DOING WITH ITS OPIOID SETTLEMENT MONEY?

The State can only access its own money through Legislation. The Social Services Appropriations Subcommittee discusses what to do with the money during the Legislative Session and then writes it into the budget. The Office of Substance Use and Mental Health, the Opioid Task Force, and other entities can suggest to the Subcommittee what state opioid settlement monies should be used for.

The State may offer matching grants to counties for specific projects to encourage them to direct funds towards those projects. Counties are uniquely placed for making positive change in their communities for opioid abatement because they know what is needed, and the State wants to help the counties in this.

For 2023, the State decided to allot \$1m of its opioid settlement money to be used for a matching grant for counties to use for receiving centers, Medication Assisted Treatment (MAT) in jails, and other jail diversion projects. The Office of Substance Use and Mental Health is administering this grant. The State also dedicated around \$2m to prevention efforts. If you have questions about this money, please contact Katherine at katherine@uacnet.org.

WHO SHOULD I CONTACT IF I HAVE ANY QUESTIONS?

If you have questions about **your payments**, you should contact your county's Authorized Official, the main point of contact between the National Settlement Fund Administrator (BrownGreer PLC) and your county. They also have access to the dashboard set up specifically for your county by the National Settlement Fund Administrator. If you do not know who your county's Authorized Official is, please contact Katherine at katherine@uacnet.org. If your Authorized Official is not able to answer the questions you have or find the answer on your county's dashboard, they may communicate with their BrownGreer contact directly.

If you have questions about **how to use your opioid funds**, please consult with your County Commission/Council, your County Sheriff, your County Attorney, and your Local Mental Health/Substance Use Authority. UAC staff has also done research into allowed opioid uses and can provide assistance if desired.

If you have questions about **the Memorandum of Understanding**, your county attorney should have a copy, or you can ask Katherine at katherine@uacnet.org to provide one.

If you have questions about required **opioid reporting** or need to submit your reports, please contact Katherine at katherine@uacnet.org.

