

Two-thirds of US states have enacted laws to guide use of opioid litigation proceeds

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As opioids continue to claim record numbers of lives in the United States, state governments are facing decisions about to how to handle funds resulting from settlements with opioid manufacturers and

distributors.

As of August 2022, 32 [states](#) have enacted laws that regulate how [opioid](#) litigation proceeds are spent, often including the establishment of opioid settlement councils to recommend or direct spending, according to new data created by the Center for Public Health Research at Temple University's Beasley School of Law.

Nearly 60 percent of states with laws regulating how opioid litigation proceeds are spent enacted those laws after national experts partnered to develop model state legislation in September 2021.

The data, which are published on the Center's Prescription Drug Abuse Policy System website, examine state laws that direct the use of opioid litigation proceeds. This project is a partnership with the Legislative Analysis and Public Policy Association (LAPPA) with funding from the Office of National Drug Control Policy, Executive Office of the President.

"The model law was developed to assist states in their efforts to maximize [funds](#) available to address the overdose crisis," explained Susan P. Weinstein, LAPPA President. "The Model Opioid Litigation Proceeds Act guides states through the establishment of a dedicated fund, separate from the state's general treasury fund, that is designated for substance use disorder abatement, including prevention, treatment, recovery, and harm reduction infrastructure, programs, services, supports, and resources."

Among the 32 states with these laws, many have applied similar provisions to guide the distribution of opioid litigation proceed-funds:

- 22 states require the establishment of a Council to recommend or direct spending from the funds. In 11 of those states, the Council

- has decision-making authority as opposed to being advisory.
- 13 jurisdictions require council representation of individuals with lived experience with SUD recovery.
 - 11 jurisdictions stipulate that evidence-based substance use disorder programming is a core focus of spending.
 - 9 states require the fund to supplement existing SUD program funding.
 - 13 jurisdictions secure the money within the fund, making sure the money will not revert to the general fund of the state treasury.

These data can be used to assess states' progress in enacting the opioid litigation proceeds model act, identify gaps in existing [state laws](#), and demonstrate the utility of policy surveillance methods for assessing adherence and diffusion of model legislation.

"As more states adopt provisions of the model legislation, researchers will need to continue to monitor movement in opioid litigation proceeds laws," said Jonathan Larsen, JD, MPP, a legal program manager at the Center and lead researcher on this project. "These findings present an opportunity to analyze the strength of new and existing opioid litigation proceeds laws and how they address the opioid crisis."

More information: Report: pdaps.org/datasets/model-opioid-litigation-proceeds-act

Provided by Temple University Center for Public Health Law Research

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