

NATIONAL COUNCIL of COUNTY ASSOCIATION **EXECUTIVES**



NCCAE-NACo KNOWLEDGE MANAGEMENT FORUN Jan. 10-12, 2022 • Washington, D.C.



Leveraging Funding for Broadband Expansion

Wednesday, January 12, 2022

9:00 a.m. – 10:30 a.m.





January 10-12, 2022 • Washington, D.C.



INFRASTRUCTURE INVESTMENT AND JOBS ACT NEW FUNDING INITIATIVES

National Association of Counties National Council of County Association Executives Meeting January 12, 2022

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

IIJA BROADBAND PROGRAMS OVERVIEW

DOUG KINKOPH ASSOCIATE ADMINISTRATOR OFFICE OF INTERNET CONNECTIVITY AND GROWTH NTIA Broadband Equity, Access & Deployment (BEAD) Program

- 2. Digital Equity Programs
- 3. Tribal Connectivity Technical Amendments
- 4. Enabling Middle Mile Broadband Infrastructure

INFRASTRUCTURE ACT* CREATES ~\$65B IN BROADBAND FUNDING

NTIA will administer ~\$	FCC to administer ~\$14B		
BEAD DIGITAL EQUITY		\$14.2B Affordable Connectivity Program	
\$42.45B Title I - Broadband Equity, Access &			
Deployment Program MIDDLE MILE	TRIBAL	\$2.0B Via the Rural Utilities Service	
\$1.00B	\$2.00B	Private Activity Bonds \$600M \$600M	
Title IV - Enabling Middle Mile Broadband Infrastructure	Title II - Tribal Connectivity Technical Amendments	Authorizes State/local gov'ts to use private activity bonds for rural broadband	

* Infrastructure Investment and Jobs Act, Division F, Pub. L. 117-58 (Nov. 15, 2021) Note: funding amounts inclusive of all administrative set-asides

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BEAD (I/II) | THE "BEAD" PROGRAM WILL PROVIDE ~\$42B FOR INFRASTRUCTURE PLANNING AND IMPLEMENTATION

OVERVIEW

Official name: Broadband Equity, Access and Deployment Program

Funding pool: \$42.45B

Type of program: State and Territory formula program

Program objective: to close the availability gap, as Congress finds that "access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States."

PROGRAM PRIORITIES

- Unserved locations No access to 25/3 Mbps
- 2 Underserved locations No access to 100/20 Mbps
- 3 Community anchor institutions Without gigabit connections

Eligible entity must also prioritize

- Persistent poverty / high-poverty areas
- Speed of proposed network
- Build time
- Demonstrated record on compliance with federal labor & employment laws

OTHER KEY FEATURES

Quality requirements

Specific network requirements are included e.g., speeds of at least 100/20 Mbps

Matching requirement

Eligible entities must ensure that they or a subgrantee provide at least 25% match (unless waiver granted)

Low-cost plan requirement

Required to offer a low-cost plan to eligible subscribers (to be determined by NTIA)

Note: funding amounts inclusive of all administrative set-asides

DIGITAL EQUITY (I/IV) | THE DIGITAL EQUITY ACT CREATES 3 SEQUENCED PROGRAMS TO PROMOTE DIGITAL INCLUSION

OVERVIEW

Official name: Title III – The Digital Equity Act

Funding pool: \$2.75B

Programs' objective:

support the closure of the digital divide & promote equity and digital inclusion, so that "individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States."

	PROGRAM/S PRIORITIES	PROGRAMS CREATED		
itle III – The	> Veterans	State program	Comp. program	
st \$2.75B	 Individuals living in households earning at or below 150% of the poverty line 	State Planning Grant Program (\$60M)		
ive:	Aging individuals	+		
ure of the promote	Incarcerated individuals	State Capacity		
al inclusion,	Individuals with disabilities	Grant Program (\$1.44B)	Competitive	
als and ve the	Individuals with a language barrier		Grant Program (\$1.25B)	
nology needed for in the	Individuals who are members of a racial or ethnic minority group		Created once state implementation grants begin being awarded	
nomy of the	Individuals who primarily reside in a rural area			



Note: funding amounts inclusive of all administrative set-asides

DIGITAL EQUITY (III/IV) | FOLLOWING PLANNING PROGRAM, STATES CAN APPLY FOR CAPACITY GRANTS TO IMPLEMENT

State Capacity Grant Program

OVERVIEW

Official name: State Digital Equity Capacity Grants

Funding pool: \$1.44B

Type of program: State and Territory formula program

Programs' objective:

To support the implementation of State Digital Equity Plans and digital inclusion activities

ELIGIBILITY

Eligibility and administering entity options are **consistent** with the planning program

Note, in order to apply for Capacity Grants, States must have participated in and completed the planning program

ELIGIBLE COSTS & ACTIVITIES

Funds awarded under this program can only be used for the following purposes:

- To update or maintain the State's Digital Equity Plan (no more than 20% of amount awarded)
- To implement the State's Digital Equity Plan
- To award sub-grants to 'eligible entities' to assist in implementation of the State's Plan
- To pursue digital inclusion activities in the State consistent with the Plan
- To report back to the State on related activities
- To determine the efficacy of efforts (no more than 5% of awarded funds can be used)
 No more than 3% can be used for administrative purposes



DIGITAL EQUITY (IV/IV) | ONCE NTIA BEGINS AWARDING STATE CAPACITY GRANTS, COMPETITIVE PROGRAM WILL BE LAUNCHED

Competitive Grant Program

OVERVIEW

ELIGIBILITY

Official name: Digital Equity Competitive Grant Program

Funding pool: \$1.25B

Type of program: Competitive grant

Programs' objective:

Support efforts to promote digital inclusion, achieve digital equity & improve adoption of broadband

Any of the following, if they are not serving / have not served, as administering entity under state program

- A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities, or for providing public housing, in State
- Indian Tribe/ Alaska Native entity / Native Hawaiian
 organization
- A foundation, corporation, institution, or association that is a not-for-profit and not a school
- A community anchor institution
- A local educational agency
- Entity that carries out a workforce development program
- A partnership between any of the entities described above, and any additional entities approved by NTIA

ELIGIBLE ACTIVITIES

Must support at least one of the following, <u>to</u> <u>benefit covered population/s</u>

- Develop & implement digital inclusion activities
- Facilitate broadband adoption to provide educational and employment opportunities
- Implement training and/or other workforce development programs
- Make equipment, instrumentation, networking capability, hardware and software, or digital network technology available at low/no cost
- Construct, upgrade, expend, or operate new or existing public access computing centers through CAIs

Max 10% for administration; Max Federal share of any project is 90%; Max 10% for evaluation



Note: funding amounts inclusive of all administrative set-asides

TRIBAL (I/II) | TECHNICAL AMENDMENTS AND NEW FUNDING WILL STRENGTHEN CURRENT TRIBAL CONNECTIVITY PROGRAM

OVERVIEW

Official name: Tribal Broadband Connectivity Technical Amendments

Funding pool: \$2.00B

Type of program: Grants to eligible entities with approved applications

Program objective: providing new funds and extending expenditure deadlines for the Tribal Broadband Connectivity Program (established by Consolidated Appropriations Act, 2021, Div. N, Tit. IX, Sec. 905(c))

KEY AMENDMENTS TO PRIOR PROGRAM

- Adding \$2 billion for NTIA to distribute to eligible entities, including to fund previously-proposed programs
- 2 Relaxing time requirements of original program—after receipt of funding, eligible entities now have up to
 - 6 months to submit applications
 - 18 months to commit the funds to projects
 - 4 years to fully expend the grant funds
- Allowing infrastructure grantees to expend up to 2.5% total project cost for related planning, feasibility and sustainability studies
- Preserving unused allocated funds for other Tribal broadband projects instead of reverting back to the Treasury

MIDDLE MILE (I/II) | \$1 BILLION ALLOCATED TO MIDDLE MILE GRANT PROGRAM TO SUPPORT EXPANSION OF NETWORKS

OVERVIEW

Official name: Enabling Middle Mile Broadband Infrastructure

Funding pool: \$1.00B

Type of program: Direct competitive grant on technology-neutral basis

Program objective: "Encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas ... and to promote broadband connection resiliency"

PROGRAM PRIORITIES

- For eligible entities meeting at least two of five conditions:
- Adopt "fiscally sustainable middle mile strategies"
- Commit to offering non-discriminatory interconnect
- Identify specific, documented and sustainable demand for middle mile interconnect
- □ Identify conditions/resources to speed up project
- Demonstrate benefits to national security interests

2 Eligible entities must also:

- Agree to prioritize connecting to unserved areas, connecting to non-contiguous trust lands, or offering wholesale carrier-neutral service at reasonable rate
- Offer interconnection "in perpetuity ... on reasonable rates and terms"



REQUEST FOR COMMENT (RFC)

NTIA is requesting public comment on a wide range of policy and program considerations associated with the new grant programs authorized and funded by the Infrastructure Investment and Jobs Act (IIJA). Commenters are encouraged to address any or all the questions enumerated in the RFC.

Comments Due: February 4, 2022 by 5:00pm ET

Please Submit Comments through <u>Regulations.gov</u>



DISCUSSION QUESTIONS

County focused Questions for NACo

- 1. How are the state county associations working with counties to increase broadband access?
- 2. How can NTIA encourage states to engage with counties be engaged in the development of their state plans?
- 3. How are counties identifying unserved, underserved, and unconnected populations within their jurisdictions?
- 4. What are challenges/obstacles in identifying these populations and what resources from the state and/or NTIA could help address these challenges?
- 5. Are counties working with community anchor institutions on broadband expansion?



To ask questions about IIJA broadband programs or provide additional feedback:

BroadbandForAll@ntia.gov

Please join us for our upcoming broadband program public virtual listening sessions!

Today: January 12, 2022, 2:30 – 4:00 pm

January 26, 2022 February 9, 2022 February 23, 2022

NTIA will also be conducting a listening session with NACo's Telecommunications & Technology Steering Committee on Wednesday, January 19 from 4:00 – 5:00 pm.

For more information about upcoming listening sessions: <u>https://broadbandusa.ntia.doc.gov/events/latest-events</u>





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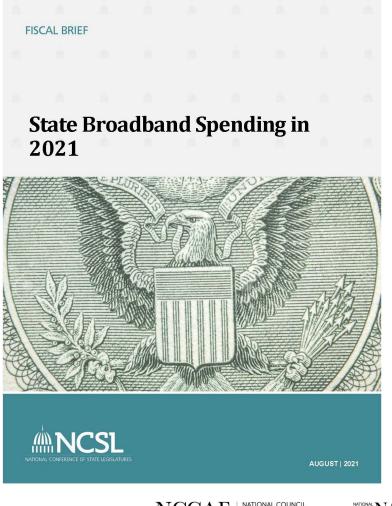
NCCAE-NACo KNOWLEDGE MANAGEMENT FORUM

State Broadband Spending in 2021 (NCSL)

As of July, nine states—California, Colorado, Hawaii, Indiana, Kentucky, Maryland, Montana, Vermont and Washington—have allocated ARPA funds for broadband through legislation.

Here are examples of how states are utilizing their portion of the Coronavirus State and Local Fiscal Recovery Funds for broadband purposes.

<u>LINK</u>







NCCAE-NACo KNOWLEDGE MANAGEMENT FORUM

The American Rescue Plan is the broadband down payment the country needs (Brookings)

How should state and local leaders balance it all? We recommend a **two-phase strategy**.

The first phase should prioritize immediate relief. Leaders should leverage new resources to **subsidize broadband subscriptions**, **lower device prices**, and **provide digital navigation and literacy support** to ensure these affordability programs extend through the 2021-22 school year. Leaders should also prioritize only those network investments that can quickly initiate new service, such as <u>E-rate connections</u> through qualifying institutions like schools. Critically, state and local governments should use ARP funds (if permitted) or local resources to launch state and local digital <u>equity offices</u> to coordinate these programs, including benefits to both households and small businesses.

BROOKINGS



The American Rescue Plan is the broadband down payment the country needs

Adie Tomer and Caroline George - Tuesday, June 1, 2021





NCCAE-NACo KNOWLEDGE MANAGEMENT FORUM

The American Rescue Plan is the broadband down payment the country needs (Brookings) – cont.

The second phase should predevelop a durable digital equity plan using ARP's one-time funding infusion (and any additional local resources if necessary). New digital equity offices should aggressively measure digital need across their jurisdictions, including speed testing, accurate pricing data, physical network gaps, and locations for wraparound equity programming. Whichever agency manages broadband networks should then use the measurement data to develop a long-range capital plan to reach universal adoption, including pricing out capital investments with outside vendors and the specifications to launch cooperative-, civic-, or public-owned networks.

BROOKINGS



The American Rescue Plan is the broadband down payment the country needs

Adie Tomer and Caroline George - Tuesday, June 1, 2021

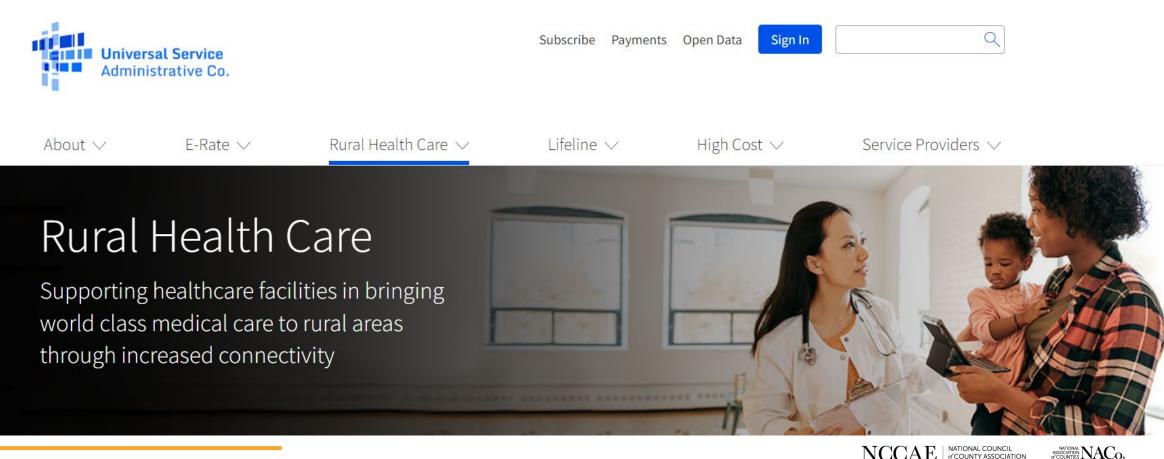




<u>LINK</u>



Additional Broadband Funding: Universal Service Administration



NCCAE-NACO KNOWLEDGE MANAGEMENT FORUM

Additional Broadband Funding: Universal Service Administration

How It Works

The Rural Health Care program funds two types of services.

You can apply for funding for Voice and Data, Broadband, or both.

Voice and Data

If you need voice and other telecommunication services, you may be eligible for funding through the **Telecommunications Program**.

Discount Rate: Determined using the urban/rural differential.

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Broadband

If you need broadband services, network equipment, etc., you may be eligible for funding through the Healthcare Connect Fund (HCF) Program.

Discount Rate: Flat 65% discount on eligible expenses.





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Additional Broadband Funding: Universal Service Administration

The Process

These steps will help you navigate the process to get funding.

<u>LINK</u>

1) Determine your eligibility

Develop evaluation criteria and request services

Evaluate bids and select a service provider

4 Submit a funding request

3

5) Certify service start and end dates

6 Work with your service provider to invoice USAC



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Opioid Settlements and Litigation Across the States

Wednesday, January 12, 2022

10:30 a.m. – 12:00 p.m.





January 10-12, 2022 • Washington, D.C.

OpioidSettlementTracker.com /SettlementSpending

Christine Minhee B.A. Stanford University, J.D. University of Washington School of Law

The Opioid Settlement Overview

- 1. "National" (or "global") opioid settlement timeline
- 2. States' opioid settlement spending plans
- 3. Send me your pessimistic journalists

Two lines of litigation, both alike in dignity s_{EP} In this fair panel, where we lay our scene s_{EP} From ancient wars on drugs break to new mutiny s_{EP} Where civil litigation makes civil hands unclean s_{EP}

- Romeo & Juliet, Act 1, Prologue (adapted)

NATIONAL OPIOID SETTLEMENT (2021)

- \$26 billion offer to settle
 - Defendant-offerors "big three" distributors (McKesson, AmerisourceBergen, Cardinal Health) + manufacturer Johnson & Johnson
 - *Plaintiffs* 43-46* state AGs (state court) + their subdivisions (federal MDL)
- Resolves both AG and MDL litigation against above-named defendants.
 - Does not resolve Purdue, Mallinckrodt, etc.

BIG TOBACCO MSA (1998)

- \$206-246 billion Master Settlement Agreement
 - *Defendant-offerors* "the majors" (four biggest tobacco manufacturers)
 - *Plaintiffs* 46 states' AGs

*Not Participating (as of Jan. 12, 2022)

- Alabama
- Georgia
- Nevada
- New Mexico
- Oklahoma (J&J win overturned)
- Washington (active distributor trial)
- West Virginia (previous "big three" settlement)

*Partially Participating

- New Hampshire settling only with "big three"
- New Mexico settling only with "big three"
- Rhode Island settling only with J&J

NATIONAL OPIOID SETTLEMENT TIMELINE

July 21, 2021 — states' sign-on period start

August 21, 2021 — deadline for states to decide whether to participate

September 4, 2021 — deadline for companies to decide whether there is sufficient support to proceed with political subdivisions' sign-on period 42 states for distrib deal (vs. anticipated 44) considered "critical mass"

January 26, 2022 — political subdivisions sign-on deadline Full reversal since Sept. 4: GA, NV; partial reversal: NM) Full sign-on press: CO, ID, OH, TX (J&J), VI, WV ("big three")

(original Jan. 2 deadline extended due to COVID-19 + "in light of newly-reached or pending State allocation agreements")

February 25, 2022 — "Reference Date for Defendants to decide whether they are going forward with the Settlement" (*NationalOpioidSettlement.com*)

"The Settling Distributors and the Enforcement Committee do not intend this [extension] to change any other term of the Agreement, including any other date or deadline in the Agreement, including the current Effective Date, which shall remain April 2, 2022." Via legislation and contract, most states have decided how to spend opioid settlement funds.

Half of the states have rejected a default allocation scheme to which their funds would otherwise be subject (15% to the state, 15% localities, and 70% to an "Abatement Accounts Fund").

OpioidSettlementTracker.com/SettlementSpending

(Thank you Sara Whaley and JHB interns!)

Statutory Trust (*legislation*) — "A **trust fund established by state law** to receive funds allocated to a Settling State's Abatement Accounts Fund and restrict any expenditures made using funds from such Settling State's Abatement Accounts Fund to Opioid Remediation."

e.g., Nebraska's Opioid Prevention and Treatment Act (creates the Nebraska Opioid Recovery Fund)

State-Subdivision Agreement (*contract*) — "An **agreement that a Settling State reaches with the Subdivisions** in that State regarding the allocation, distribution, and/or use of funds allocated to that State and to its Subdivisions. A State-Subdivision Agreement shall be effective if approved pursuant to the provisions of Exhibit O or if adopted by statute. Preexisting agreements ... shall qualify."

e.g., North Carolina's Memorandum of Agreement (MOA)

Allocation Statute (*legislation*) — "A state law that governs allocation, distribution, and/or use of some or all of the Settlement Fund amounts allocated to that State and/or its Subdivisions. In addition to modifying the allocation set forth in Section V.D.2, an Allocation Statute may, without limitation, contain a Statutory Trust, further restrict expenditures of funds, form an advisory committee, establish oversight and reporting requirements, or address other default provisions and other matters related to the funds."

e.g., Wisconsin's Act 57 (AB 374)

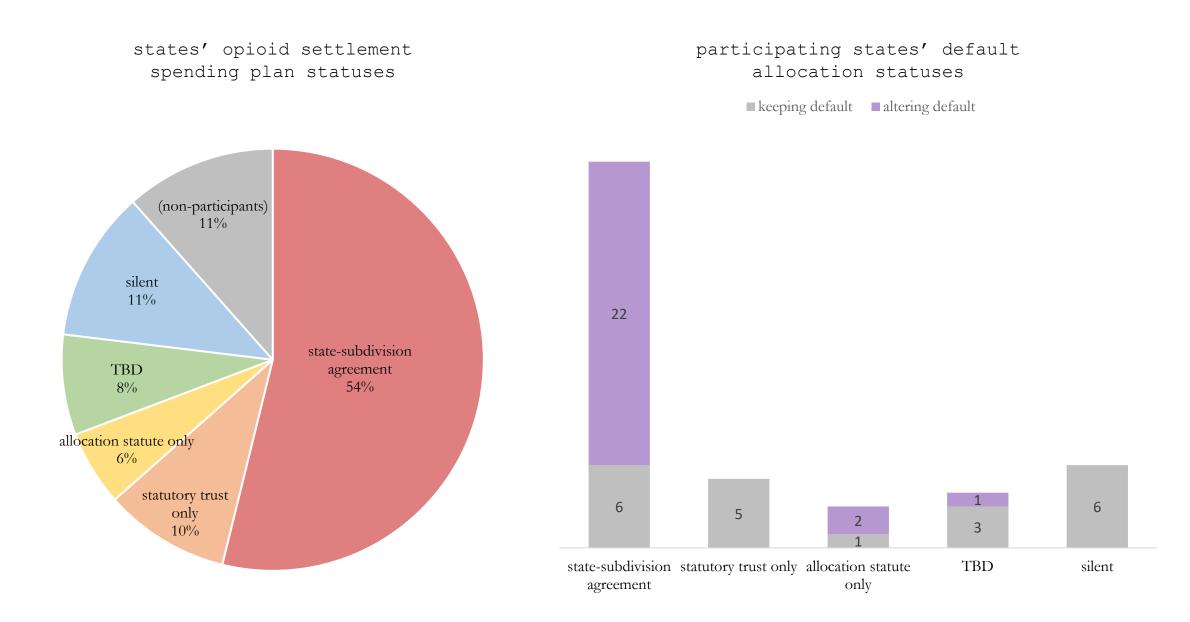
15%-15%-70%

"Base payments for each Settling State will ... be allocated fifteen percent (15%) to its State Fund, seventy percent (70%) to its Abatement Accounts Fund, and fifteen percent (15%) to its Subdivision Fund. Amounts may be reallocated and will be distributed as provided in Section V.D." (Settlement Fund Reallocation and Distribution" by **State-Subdivision Agreement**, **Allocation Statute**, and **Statutory Trust**). *Section V.C.1*.

	Default Allocation	Alternate Allocation		Default Allocation	Alternate Allocation
State- Subdivision Agreement	California Mississippi Montana Tennessee* Texas* Virginia*	ArizonaMichiganArkansasMinnesota*ColoradoMissouri*Delaware*NevadaFloridaNew York*GeorgiaNorth Carolina*IdahoOhioIllinoisOregonIowaPennsylvania*Kansas**WyomingKentucky**Louisiana	TBD	Connecticut ("initial guidance") Vermont ("executive summary") Maine (stalled statutory trust bill) Alaska (adminorder advisory council) Hawaii North Dakota Rhode Island South Carolina South Dakota	New Mexico ("current proposal on the table")
Statutory Trust	Maryland Massachusetts Nebraska New Jersey <i>(cond. veto)</i> Utah				
Allocation Statute	Indiana	New Hampshire* Wisconsin			

* = also has statutory trust

** = also has allocation statute



An offer:

Send your pessimistic journalists my way: Christine@OpioidSettlementTracker.com

send me your pessimistic journalists | OpioidSettlementTracker.com

 $15^{\circ}/_{\circ}-15^{\circ}/_{\circ}-70^{\circ}/_{\circ}$ "restricted"

"unrestricted"

The pessimist's assumption:

While those "restricted" special funds might have to be used somewhat well to avoid public scrutiny, states' "unrestricted" shares are probably going to be spent in the shadows.

"If, at any time, a Settling State or a Participating" Subdivision ... uses any monies from the Settlement Fund for a purpose that does not qualify as Opioid Remediation, such Settling State or Participating Subdivision ... shall identify such amounts and report to the Settlement Fund Administrator and the Settling Distributors how such funds were used[.] ... It is the intent of the Parties that the reporting under this Section V.B.2 shall be available to the public."

	Default Allocation	Alternate Allocation		Default Allocation	Alternate Allocation
State- Subdivision Agreement	California Mississippi Montana Tennessee* Texas* Virginia*	ArizonaMichiganArkansasMinnesota*ColoradoMissouri*Delaware*NevadaFloridaNew York*GeorgiaNorth Carolina*IdahoOhioIllinoisOregonIowaPennsylvania*Kansas**WyomingKentucky**Louisiana	TBD	Connecticut ("initial guidance") Vermont ("executive summary") Maine (stalled statutory trust bill) Alaska (adminorder advisory council) Hawaii North Dakota Rhode Island South Carolina South Dakota	New Mexico ("current proposal on the table")
Statutory Trust	Maryland Massachusetts Nebraska New Jersey <i>(cond. veto)</i> Utah				
Allocation Statute	Indiana	New Hampshire* Wisconsin			

* = also has statutory trust

** = also has allocation statute

Default- Defiers	Language from State-Subdivision Agreements and Allocation Statutes
Arizona	44% state, 56% localities
Arkansas	33.3% state, 66.66% localities
Colorado	10% state, 60% regions, 20% localities, 10% abatement projects
Delaware	100% Abatement Accounts Fund
Florida	45-55% state, 30-40% regions, 15% localities
Georgia	75% state, 25% participating localities
Idaho	40% state, 20% "participating regional public health districts," 40% participating localities
Illinois	20% state, 15% LG Recovery Fund, 10% counties (restricted), 55% Illinois Remediation Fund
Iowa	50% Iowa Abatement Fund, 50% participating localities
Kansas	75% Kansas Fights Addiction Fund, 25% Municipalities Fight Addiction Fund
Kentucky	50% Commonwealth, 50% localities
Louisiana	100% Opioid Abatement Fund "for the benefit of the Parishes and Municipalities" (really, 20% sheriffs, 80% local govts)
Michigan	50% state, 50% localities
Minnesota	25% state, 75% localities — contingent on statutory changes (40% state, 60% localities as fallback)
Missouri	85% Opioid Abatement Fund, 15% localities
Nevada	43.86% state, 17.37% Medicaid Match by county, 38.77% localities
New Hampshire	85% Opioid Abatement Trust Fund, 15% localities
New Mexico*	40% state, 60% localities — * "current proposal on the table"
New York	17.5% state, 36.39% Opioid Settlement Fund (16.39% regional, 20% discretionary), 10.8% localities, 35.31% Nassau/Suffolk/NYC
North Carolina	15% state, 80% localities, 5% "County Incentive Fund" (to incentivize MOA signatories)
Ohio	15% state, 55% to the One Ohio Recovery Foundation, 30% localities
Oregon	45% Prevention, Treatment and Recovery Fund, 55% localities
Pennsylvania	15% state, 70% counties, 15% "to governmental entities which have litigation against these defendants"
Wisconsin	30% state, 70% participating localities
Wyoming	35% state, 65% participating localities

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Defiers Retaining <u>></u> 20%	Allocation Language
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Wyoming	35% state, 65% participating localities

Defiers Retaining <u>></u> 20%	Allocation Language	"State Share" Expenditure (Not Impact) Reporting Requirements
Arizona	44% state, 56% localities	Annual reporting on website (F.6)
Arkansas	33.3% state, 66.66% localities	TBD (future Cities, Counties Distrib. Agrmt.)
Florida	45-55% state, 30-40% regions, 15% localities	Annual reporting by taskforce/council (B.5.h)
Georgia	75% state, 25% participating localities	Annual reporting on website (V.a)
Idaho	40% state, 20% "regional public health districts," 40% localities	Annual reporting on website for ≥ 5 years (D.4)
Illinois	20% state, 15% localities, 10% restricted fund, 55% Remediation Fund	Reporting only on restricted 1/4 of state's 20% (3.A.a)
Kentucky	50% Commonwealth, 50% localities	Annual reporting on website (E.6)
Michigan	50% state, 50% localities	Silent on reporting/expenditure tracking
Minnesota	25% state, 75% localities	TBD (Reporting Workgroup decides by June 1)
Nevada	43.86% state, 17.37% Medicaid Match by county, 38.77% localities	Annual reporting to intrastate offices (SB 390 8.3)
New Mexico*	40% state, 60% localities — * "current proposal on the table"	TBD ("current proposal on the table")
Wisconsin	30% state, 70% participating localities	Proposed expenditures reported to Joint Comm. on Finance (1.3)
Wyoming	35% state, 65% participating localities	Annual reporting on website (VI.F)

The pessimist's assumption:

While those "restricted" special funds might have to be used somewhat well to avoid public scrutiny, states' "unrestricted" shares are probably going to be spent in the shadows.

The optimist's research conclusion:

Of the 13 states reserving 20% or more of opioid settlement funds for themselves, over half (7) are tasking themselves to annually report their state-share expenditures, most on a website available to the public. Of the remaining states (6), three are still deciding, two have some type of tracking, and only one state's plan is completely silent on reporting.

Christine@ OpioidSettlementTracker.com

But first, North Carolina's MOA



Opioid Settlements and Litigation Across the States

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Principles for the Use of Funds From the Opioid Litigation

Joshua M. Sharfstein, M.D.

Johns Hopkins Bloomberg School of Public Health



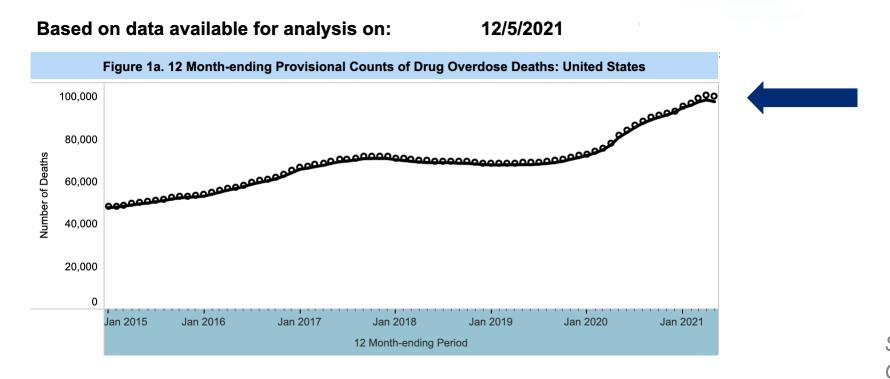
Outline

1. The overdose crisis
2. Using settlement funds effectively
3. Assess your readiness



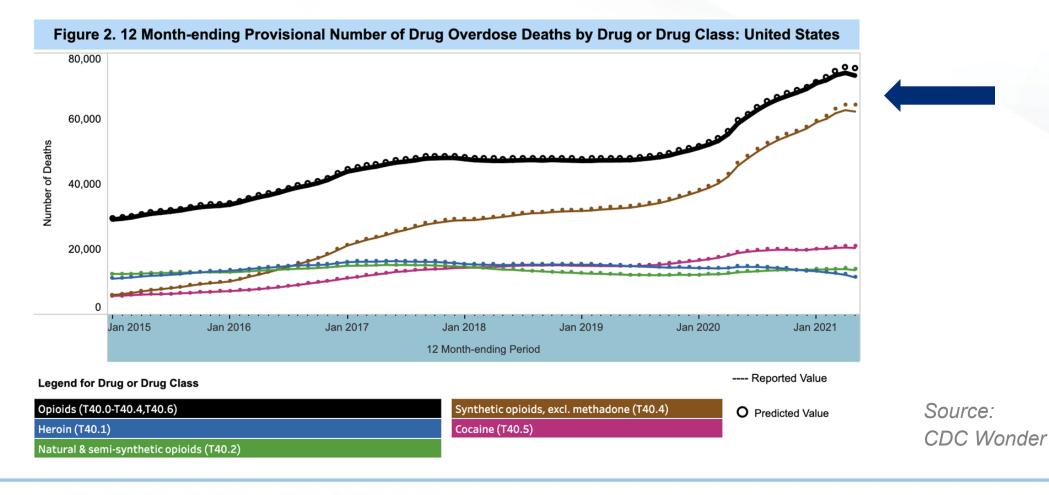
The Overdose Crisis

More than 100,000 Fatal Overdoses from April 2020-April 2021



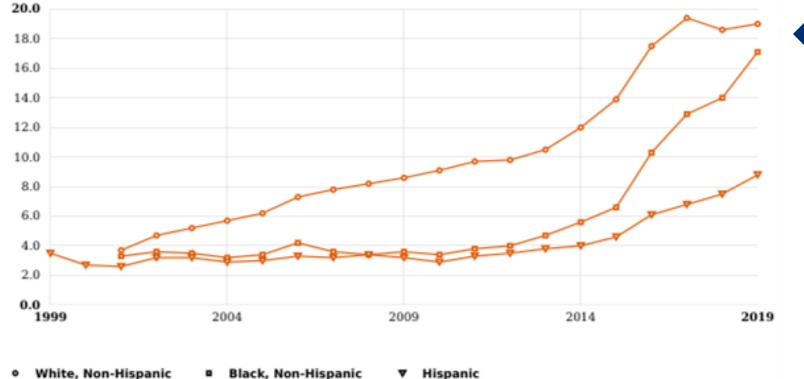
Source: CDC Wonder

Increasing Prevalence of Fentanyl



A Surge in Overdoses among Black Americans

Opioid Overdose Deaths by Race/Ethnicity: White, Non-Hispanic & Black, Non-Hispanic & Hispanic, 1999 - 2019



Rates displayed in the table are age-adjusted rates per 100,000 population.

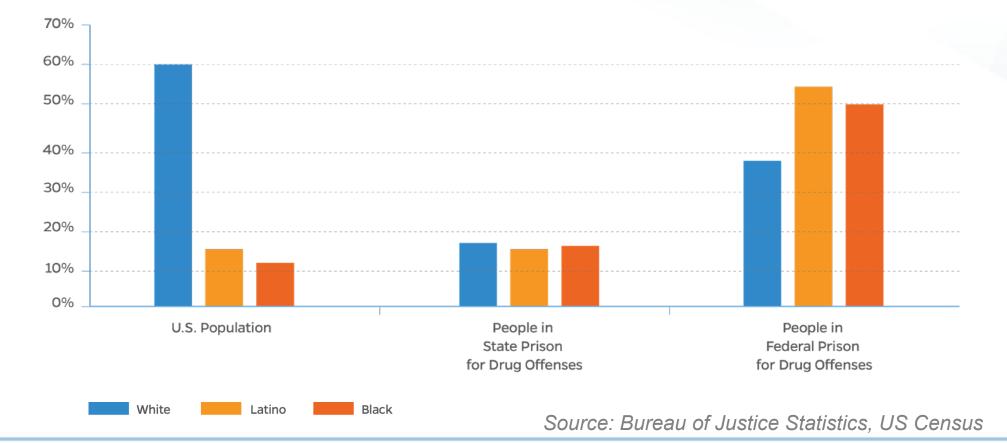
Source: Kaiser Family Foundation's State Health Facts.



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United States

Differential consequences by race/ethnicity





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Using Settlement Funds Effectively



Over 60 National Groups Join Together





American College of Emergency Physicians

AA	American Academy of Addiction Psychiatry
Translating Scier	nce. Transforming Lives.





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MOTHERS AGAINST

PRESCRIPTION DRUG ABUSE



Rights LAC LEGAL ACTION CENTER

NATIONAL HARM REDUCTION COALITION





MAPDA





shatterproof.org



5 Guiding Principles

opioidprinciples.jhsph.edu

Spend Money to Save Lives

Use Evidence to Guide Spending

Invest in Youth Prevention

Focus on Racial Equity

Develop a Fair and Transparent Process

1. Spend Money to Save Lives

- Establish a dedicated fund
- Supplement rather than supplant existing funding
- Don't spend all the money at once
- Report to the public where the money is going





2. Use Evidence to Guide Spending

- Direct funds to programs supported by evidence
- Remove policies that may block the adoption of programs that work
- Build data collection capacity







Evidence Vs. Reality

MEDICATIONS FOR OPIOID USE DISORDER SAVE LIVES

CENCES - ENGINEERING - MEDIC

CONSENSUS STUDY REPORT

In 2016, just 36% of substance use treatment facilities offered any from of medication treatment for opioid use disorder

Source: Mojtabai, Health Affairs, 2019



Evidence Vs. Reality

Summary of Information on the Safety and Effectiveness of Syringe Services Programs (SSPs)



SSPs save lives by lowering the likelihood of deaths from overdose.



July 2019

Needle exchanges are a proven tool to fight HIV, but officials still want to shut them down

Indiana Needle Exchange That Helped Contain A Historic HIV Outbreak To Be Shut Down

+

Atlantic City is poised to shut down its syringe exchange — amid warnings of dire public health consequences

3. Invest in Youth Prevention

 Direct funds to evidence-based services that build youth resilience





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Evidence Vs. Reality

FACING ADDICTION IN AMERICA

The Surgeon General's Report on Alcohol, Drugs, and Health

Prevention Programs and Policies Between 2009 and 2019, substance use prevention funding has been cut by 34% Source: CADCA

4. Focus on Racial Equity

- Invest in communities affected by discriminatory policies
- Support diversion from arrest and incarceration
- Fund anti-stigma campaigns
- Involve community members in the solutions



5. Develop a Fair and Transparent Process

- Determine areas of need
- Get input from different groups
- Ensure that representation reflects the community



Assess Your County's Readiness

Indicators to Assess the Readiness of Governments to Receive Funds

Series of simple Yes or No questions to assess your county's readiness to receive funds

 $\sqrt{9-10}$ = You're READY!

√ 6-8 = Off to a Great Start!

 $\sqrt{4-5} =$ You're On Your Way!

 $\sqrt{0-3}$ = It's Time to Get Started!





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Spending Money to Address Substance Use

1. Has the jurisdiction established a dedicated fund for dollars received as a result of the opioid litigation?
2. Is all of the money coming to the jurisdiction as a result of the opioid litigation required to be spent addressing substance use?
3. Is there a prohibition on using money from the litigation to supplant existing spending on substance use?



Establishing an Effective Process

- 4. Is there a requirement that dollars be spent on evidence-based or evidence-informed practices?
- 5. Has the jurisdiction created a formal agreement for regional collaborations?
- 6. Does the process support meaningful input and participation by the public, public health leaders with substance use expertise, people with lived experience, people from communities of color, and others with relevant expertise?



Informing Evidence-Based Decision-Making

- 7. Is there a recent, public assessment of substance use services and needs, broken down by race/ethnicity, that can be used to guide funding decisions?
- 8. Has the jurisdiction conducted a recent, public review of its own laws, regulations, and policies and their racial impact to identify obstacles to using settlement funds to support programs based in evidence and equity?



Promoting Transparency

9. Does the jurisdiction have a publicly available dashboard or annual report that tracks information about progress towards jurisdiction-wide substance use goals, with data and goals by key demographics, including race, ethnicity and gender?
10. Has the jurisdiction committed to a regular public evaluation of the use of settlement funds that includes section on how the funds have supported:

- evidence-based care,
- youth prevention, and
- equity?



Conclusions

• The overdose crisis is a national catastrophe.

- •Funds from the opioid litigation offer a unique opportunity.
- State and local leadership will make the difference.

If you have questions or comments, please contact me at Joshua.Sharfstein@jhu.edu



Thank You

 Sara Whaley, Johns Hopkins Bloomberg School of Public Health

Josh Rising, Rising Health Strategies

• Goldiata Creative



NATIONAL COUNCIL of COUNTY ASSOCIATION **EXECUTIVES**



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