

RESOLUTION NO. 962-2021, ESTABLISHING REQUIREMENTS FOR THE USE OF FUNDS ASSOCIATED WITH THE SETTLEMENT OF OPIOID LITIGATION WITH CERTAIN DEFENDANTS

WHEREAS, the County of Suffolk served as a national leader by commencing litigation to hold pharmaceutical manufacturers, distributors and pharmacy operators responsible for their varied roles in the creation and perpetuation of the opioid addiction epidemic; and

WHEREAS, on July 12, 2021, the County Legislature approved settlements with four pharmacy operators and two pharmaceutical manufacturers, while other defendants remain as parties to the litigation; and

WHEREAS, New York State established a specific fund for monies obtained in global settlements associated with opioid litigation involving the State for itself and the various counties to ensure that the settlement monies are used to address the substance use crisis, but only settlements involving the state are subject to its restrictions; and

WHEREAS, the County's settlements with respect to the pharmacy operators are not included in the State opioid settlement fund, as they are not part of a global settlement agreement, and the monies therefrom are currently unrestricted and may be utilized for any purpose; and

WHEREAS, in order to ensure that the funds received from these more tailored settlements are utilized to address the County's costs associated with the opioid epidemic, the County should impose restrictions on their use which are in conformance with New York State's limitations on global opioid litigation settlements; now, therefore be it

1st RESOLVED, that all settlement monies of opioid-related litigation in the matter of County of Suffolk v. Purdue Pharma, et al. which are not connected with global settlement agreements involving New York State shall be expended by the County for the following purposes:

- A. Treatment;
 - i. Treat opioid use disorder,
 - ii. Support people in treatment or recovery,
 - iii. Connect people who need help to the appropriate care, including development of emergency department protocols for overdose victims, screening brief intervention and referral to treatment ("SBIRT") systems and individual and family support services (i.e. recovery coaches, SHERPAS, CRPAs or CRPA-Ps, family support services)
 - iv. Address the needs of criminal justice involved persons and expanded services for criminal justice diversion and support programming, and
 - v. Address the needs of pregnant or parenting individuals and their families, including infants with neonatal abstinence syndrome,

- B. Prevention;
 - i. Prevent overprescribing and ensure proper prescribing and dispensing of opioids, including professional training and intervention protocols for physicians and relevant medical staff,
 - ii. Prevent misuse of opioids,
 - iii. Prevent overdose deaths and other harms (harm reduction-including wide distribution of naloxone, fentanyl test strips and risk reduction materials),
 - iv. Wide reaching Suffolk County community educational campaigns to raise awareness addressing opioid crisis, navigation to treatment and available support resources,
 - v. Evidence based prevention (“EBP”) programming in schools; introducing healthy coping strategies, communication skills, wellness practices and substance use education, and
 - vi. Training for educational professionals and community human service workers including risk reduction and engagement strategies;
- C. Law enforcement expenditures related to the opioid epidemic, including expanded substance abuse education and treatment and diversion programming for Suffolk County Police and within Suffolk County Correctional Facilities;
- D. Support efforts to provide leadership, planning and coordination to abate the opioid epidemic;
- E. Training to abate the opioid epidemic;
- F. Support for abatement research; and
- G. Support for post-mortem services.
- H. Municipal operations targeting the prevention, treatment and/or recovery relating to opioid abuse.

and be it further

2nd RESOLVED, that all funds from settlements governed by this Resolution shall be used by the County to either expand existing SUD prevention, treatment and recovery support programs and related services and for municipal operations, including equipment, technologies and enforcement efforts, targeting and/or impacting opioid prevention, treatment, or recovery or for the establishment of new SUD prevention, treatment and recovery support programs and related services and for municipal operations, including equipment, technologies and enforcement efforts, targeting and/or impacting opioid prevention, treatment, or recovery which conform with the approved uses of the State’s opioid settlement fund and statutes implementing same which conform with the terms set forth in the 1st RESOLVED clause; and be it further

3rd RESOLVED, that no monies received in accordance with this Resolution shall be used to pay for debt service associated with or serve as reimbursement for prior expenditures made by the County in relation to the enumerated purposes set forth herein; and be it further

4th RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(26) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW insofar as these actions constitute routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment, and the Suffolk County Council on Environmental

Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: November 16, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 19, 2021