

Office of the Maine Attorney General
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Opioid Settlements and the Maine Recovery Council

December 20, 2022

Council Core Functions

1. Needs Assessment, Planning, and Expenditures/Outcomes Data
2. Facilitate collaboration among State, Subdivisions, Stakeholders
3. Distribution Statewide of Maine Recovery Funds
4. Distribution Statewide of Maine Recovery Funds for Abatement-Related Special Education Programs and Services

Council Key Documents

- **LD 1722 – 5 M.R.S.A. s. 203-C**
- **State-Subdivision Memorandum of Understanding**
- **State-School Administrative Units' Memorandum of Understanding**
- **Settlement Agreements**
 - Distributors (AmerisourceBergen, Cardinal, McKesson)
 - Johnson & Johnson (Janssen)
 - Mallinckrodt

Council Key Documents

State-Subdivision Memorandum of Understanding Amended on June 13, 2022

- III “**Decision Making:** The Recovery Council shall make all decisions by consensus. In the event consensus cannot be achieved, unless otherwise required by this MOU, the Council shall make decisions by 3/5 vote of its members.”

Council Key Documents

State-Subdivision Memorandum of Understanding Amended on June 13, 2022

- III “**Governance:** The Recovery Council shall draft its own bylaws or other governing documents, which must include appropriate conflict of interest provisions, in accordance with this MOU and the following principles:
 - a. Authority: The Recovery Council does not have any rulemaking authority. The terms of the MOU and Agreement and any Settlement, as entered by a Court of competent jurisdiction control the authority of the Recovery Council and the Recovery Council shall not stray outside the bounds of the authority and power vested by this MOU and any Court approved Settlement.
 - b. Administration: The Recovery Council is responsible for accounting of all Recovery Funds. and for releasing Recovery Funds.

Council Key Documents

State-Subdivision Memorandum of Understanding Amended on June 13, 2022

- III “**Transparency:** The Recovery Council shall operate with all reasonable transparency and in compliance with Maine's Freedom of Access Law 1 MRS sections 401 et seq.

A. The Recovery Council shall develop a centralized public dashboard or other repository for publication of expenditure data from any party or Regional Council that receives Recovery Funds. The Council may require outcome related data from any entity that receives Recovery Funds. For purposes of funding the centralized dashboard, the Council shall make every effort to use existing state resources.”

Council Key Documents

State-School Administrative Units Memorandum of Understanding

- “Prior to deciding on grant applications the Recovery Council will consult with an expert in special education matters selected by the Maine Litigating School Administrative Units.”
- “The awards shall be based on published criteria, known to all applicants beforehand. The Recovery Council must direct funding to educational supports. The Recovery Council will also aim to maximize impact (and not attempt a pro rata distribution). Although these factors are not dispositive, the Recovery Council will give priority, in funding educational supports, to: ...”

Freedom of Access Act

- **Brenda Kielty, AAG – Public Access Ombudsman**

Brenda.Kielty@maine.gov

- **FOAA website – FAQs**

<https://www.maine.gov/foaa/faq>

Opioid Litigation and Settlements

- Distributors and Johnson & Johnson (Janssen)
- Purdue Pharma and the Sackler family
- Mallinckrodt
- Endo
- 5 Settlements under consideration:
 - Manufacturers: Teva & Allergan
 - Pharmacies: CVS, Walgreens, Walmart

Payments

www.maine.gov/ag/opioids/settlement-payments

Distributors	18 years
J&J (Janssen)	9 years
Mallinckrodt	9 years
Walmart	1-6 years
Purdue	
Teva & Allergan	13 & 7 years
CVS	10 years
Walgreens	15 years

Opioid Settlement Payments

Estimated maximums - subject to increases or decreases

Estimates	Total	Recovery Council (50%)	Attorney General (20%)	Subdivisions (30%)	Attorney Fee Backstop (-7% from Subdivisions)
Distributors & J&J	\$131M	\$65.7M	\$26.3M	\$39.4M	(\$2.8M)
Mallinckrodt	\$5.8M	\$2.9M	\$1.2M	\$1.7M	
Walmart	\$14.3M				
Teva & Allergan	\$32.1M				
CVS & Walgreens	\$48.5M				
Purdue					
Total	\$231.7M	\$68.6M	\$27.5M	\$41.1M	(\$2.8M)

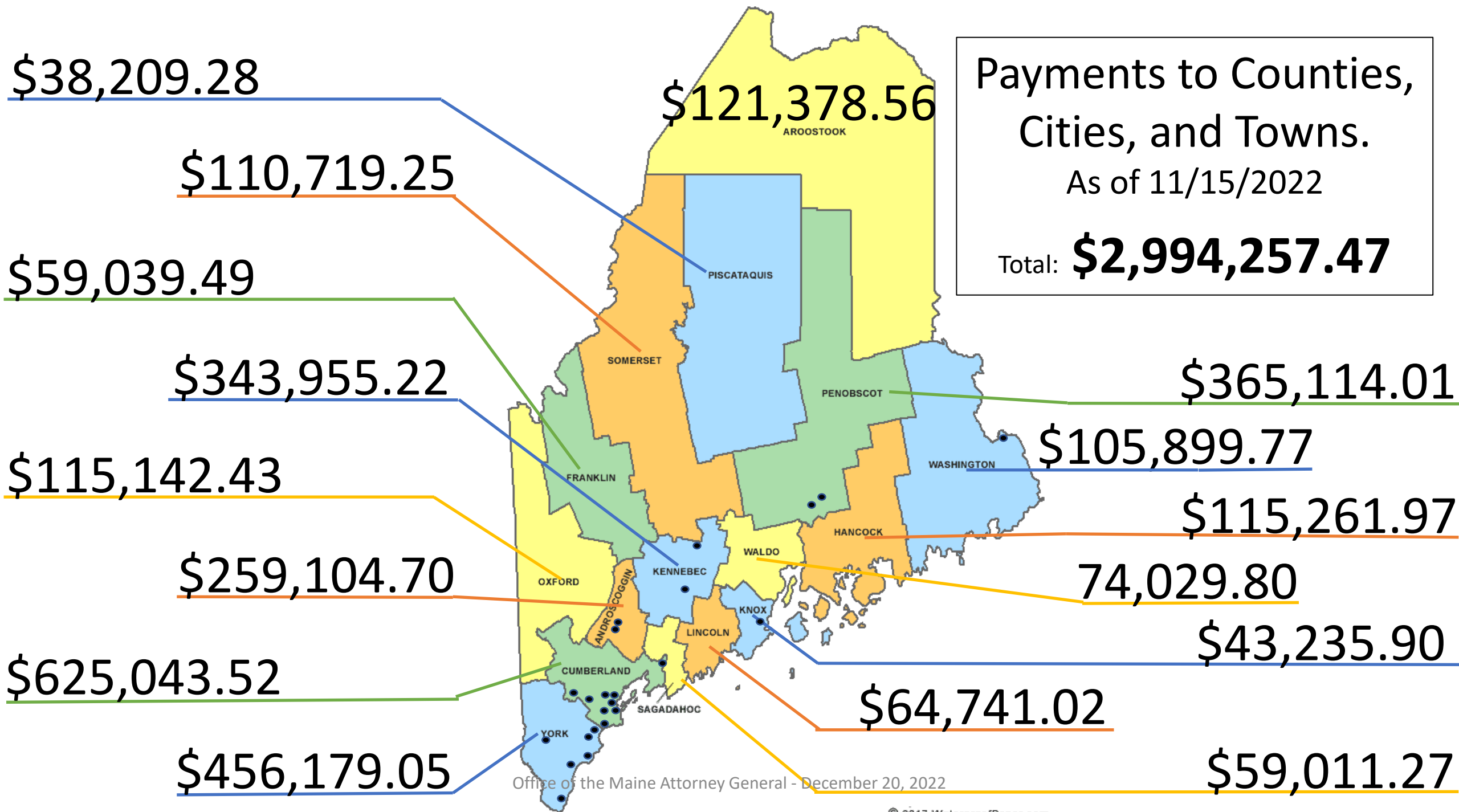
Recovery Fund

As of 12/15/2022

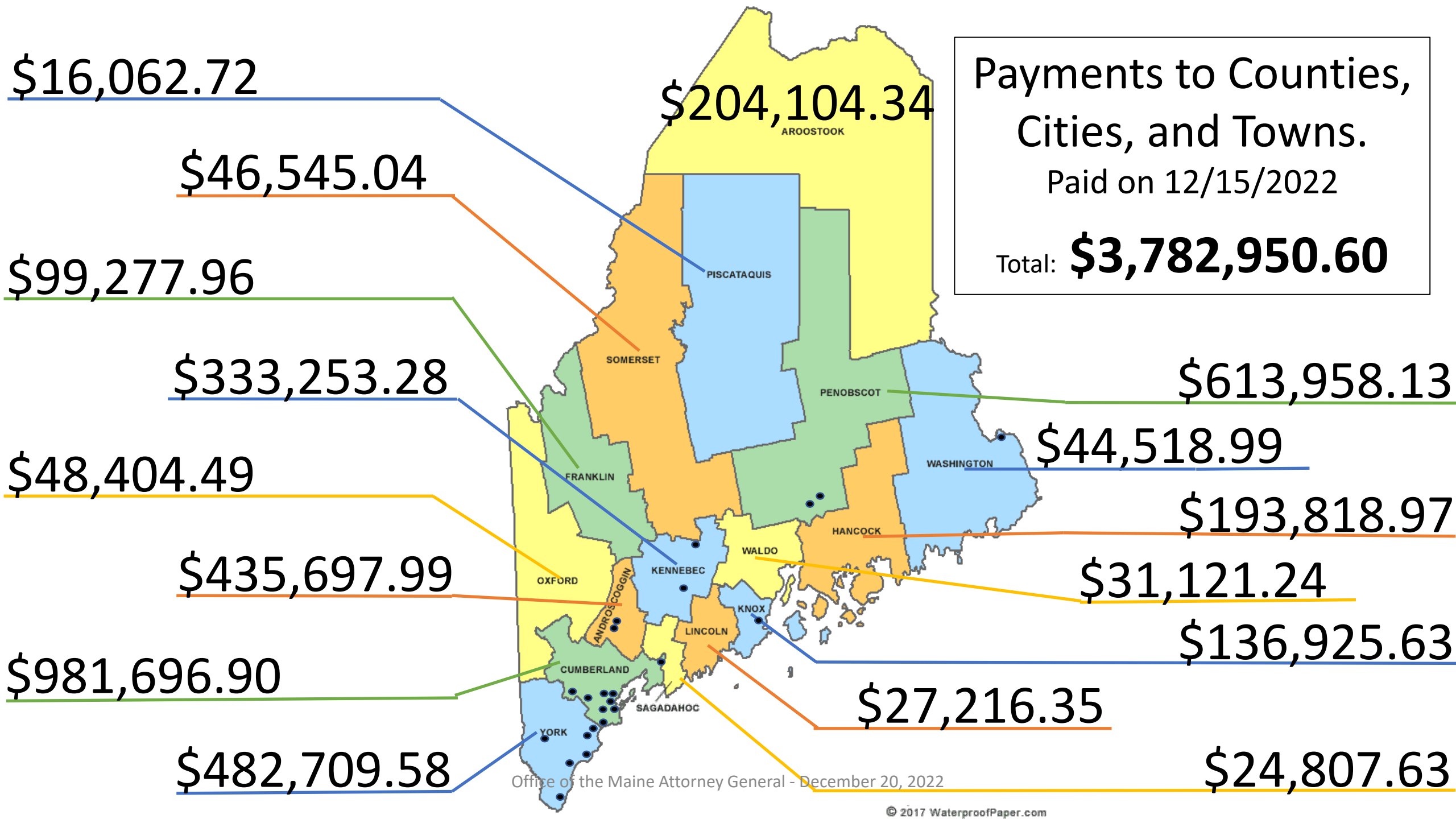
\$14,389,348.68

Payments to Counties,
Cities, and Towns.
As of 11/15/2022

Total: **\$2,994,257.47**

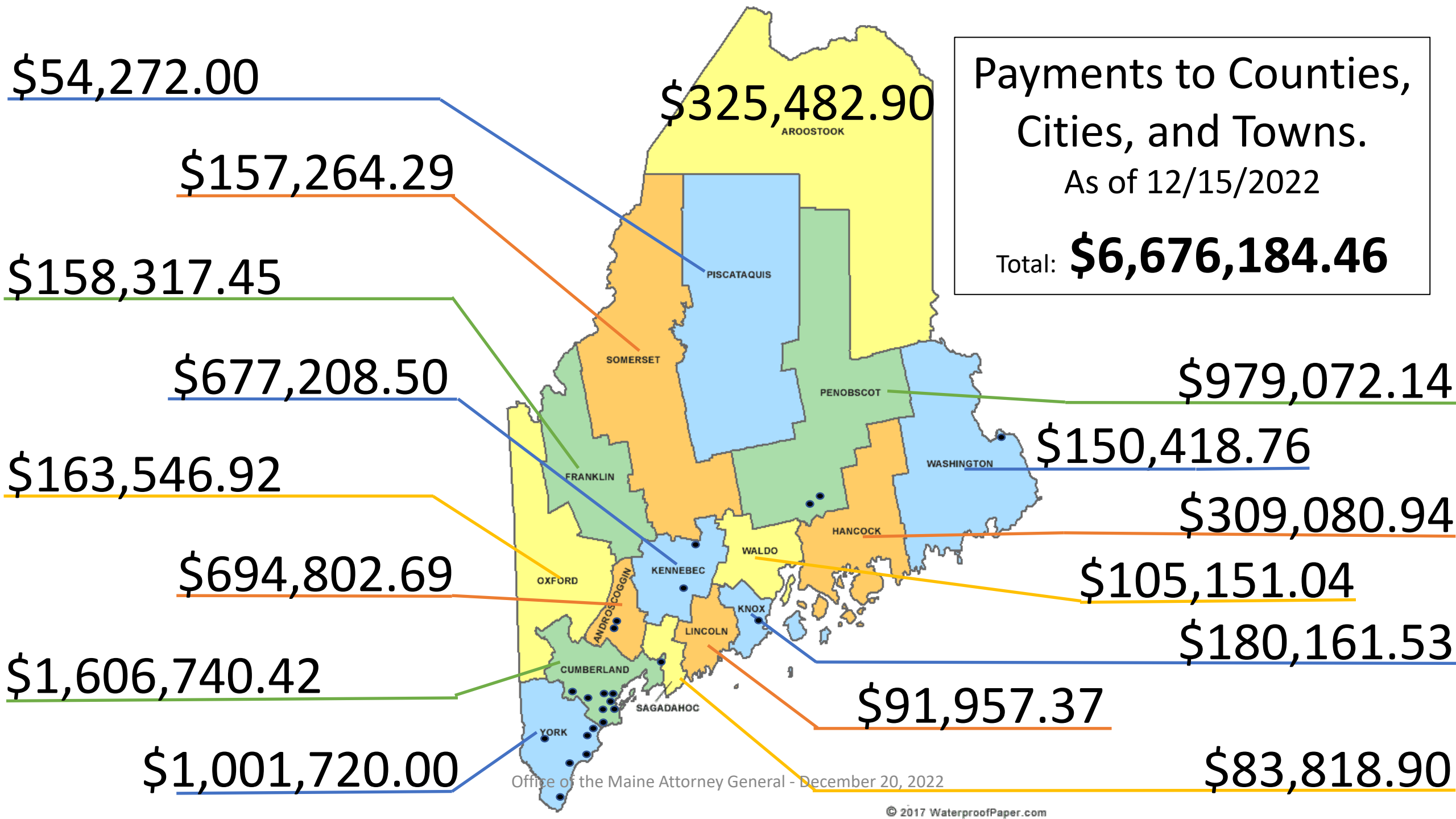


Payments to Counties,
 Cities, and Towns.
 Paid on 12/15/2022
 Total: **\$3,782,950.60**



Payments to Counties,
 Cities, and Towns.
 As of 12/15/2022

Total: **\$6,676,184.46**



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Opioids

Key Documents

- [Maine State – Subdivision MOU and Exhibits Regarding Opioid Settlement Funds \(PDF\)](#)
- [MOU with School Districts Regarding Opioid Settlement Funds \(PDF\)](#)
- [Maine Recovery Council legislation \(PDF\)](#)
- [Final Distributor Settlement Agreement \(3.25.2022\) \(PDF\)](#)
- [Final Janssen Settlement Agreement \(3.31.2022\) \(PDF\)](#)
- [Mallinckrodt NOAT II Trust Distribution Procedures \(PDF\)](#)

[Settlement Payments](#)

[Maine Recovery Council](#)

[Resources for Implementing the Opioid Settlements](#)

[Transparency: Opioid Industry Documents](#)

www.maine.gov/ag/recovery-council

info.recoverycouncil@maine.gov

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