

**HARDIN COUNTY FISCAL COURT
RESOLUTION NO. 2022-236**

WHEREAS, Hardin County, by use of outside counsel, intervened in litigation against opioid distributors Johnson and Johnson, McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corp in 2018 for remediation of some costs to county government associated with opioid addiction.

WHEREAS, a Global Settlement was reached resolving those claims and Hardin County became a party to the Allocation Agreement concerning proceeds from the litigation on December 14, 2021 (Resolution 2021-210). In the Agreement, the proceeds payable to Hardin County will be determined based upon the data researched, collected and provided by the Hardin County Attorney in the litigation.

WHEREAS, the Kentucky legislature, attorney general and counsel for local governments created a statewide Opioid Abatement Trust Fund to ensure the funds are utilized for the purpose of abating the opioid epidemic, and to provide for an equal allocation of funds between the State of Kentucky and the Kentucky local governments (KRS 15.291 and KRS 15.293).

WHEREAS, settlement funds paid to local governments shall be administered according to the Compliance Reporting Accountability process in **Exhibit A** to this Resolution and only for those purposes approved by KRS 15.291 et seq as listed in **Exhibit B**.

BE IT THEREFORE RESOLVED, to create a line item in the budget of the Hardin County Attorney's Office for expenditures of County opioid settlement funds to be used by and/or designated for use by the County Attorney for projects and for such purposes as restricted and outlined in **Exhibit B** to this Resolution.


BE IT THEREFORE FURTHER RESOLVED, that the administration and reporting requirements for fund utilization shall be carried out by the Hardin County Treasurer as directed in **Exhibit A**.

ADOPTED, by Hardin County Fiscal Court at its regular meeting on this the 29th day of November, 2022.



Harry L. Berry
Hardin County Judge/Executive

Attest:



Debbie Donnelly
Hardin County Clerk

Prepared:



Jennifer B. Oldham
Hardin County Attorney

Exhibit A

Compliance Reporting and Accountability

1. The Trustee shall provide an up-to-date accounting of payments into or out of the trust and/or its subaccounts upon written request of the State or a Participating Local Government.
2. The State, Regions, and Participating Local Governments may object to an allocation or expenditure of Opioid Funds solely on the basis that the allocation or expenditure at issue (1) is inconsistent with provision C(1) hereof with respect to the amount of the State Share or LG Share; (2) is inconsistent with an agreed-upon allocation, or the default allocations in Exhibits B and C, as contemplated by Section C(3); or (3) violates the limitations set forth in F(3) with respect to compensation of the Trustee. The objector shall have the right to bring that objection within two years of the date of its discovery to a superior court in Franklin County, Kentucky.
3. Out of the Opioid Funds, reasonable expenses up to 0.005% shall be paid to the Trustee.
4. The Parties shall maintain, for a period of at least five years, records of abatement expenditures and documents underlying those expenditures, so that it can be verified that funds are being or have been utilized in a manner consistent with the Approved Purposes definition.
5. Annually on or before January 31, each Participating Local Government shall provide to the Trustee a report detailing for the preceding calendar year (1) the amount of the LG Share received by the Participating Local Government. (2) the allocation of any awards approved (listing the recipient, the amount awarded, the program to be funded, and disbursement terms), and (3) the amounts disbursed on approved allocations. In order to facilitate this reporting, each Participating Local Government shall provide the information to the Trustee in a form prescribed by the Trustee.

**ONE KENTUCKY OPIOID SETTLEMENT
MEMORANDUM OF UNDERSTANDING
EXHIBIT B**

The Local Governments shall utilize moneys from the opioid settlement funds for reimbursement, or to provide funding, for any of the approved uses set forth below:

1. Any portion of the cost related to outpatient and residential treatment services, including:
 - a. Services provided to incarcerated individuals;
 - b. Medication assisted treatment;
 - c. Abstinence-based treatment; and
 - d. Treatment, recovery, or other services provided by community health centers or not-for-profit providers;
2. Emergency response services provided by law enforcement or first responders;
3. Any portion of the cost of administering Naloxone;
4. Any programs that:
 - a. Supports intervention, treatment, and recovery services provided to persons:
 - i. With *opioid use disorder* (OUD) or co-occurring *substance use disorder or mental health* (SUD/MH) issues; or
 - ii. Who have experienced an opioid overdose;
 - b. Supports detoxification services, including:
 - i. Medical detoxification;
 - ii. Referral to treatment; or
 - iii. Connections to other services;
 - c. Provides access to opioid-abatement-related housing, including:
 - i. Supportive housing; or
 - ii. Recovery housing;
5. Provides or supports transportation to treatment or recovery programs or services;
6. Provides employment training or educational services for persons in treatment or recovery;
7. Creates or supports centralized call centers that provide information and connections to appropriate services;
8. Supports crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH issues or persons that have experienced an opioid overdose;
9. Improves oversight of opioid treatment programs to ensure evidence-based and evidence-informed practices;

**ONE KENTUCKY OPIOID SETTLEMENT
MEMORANDUM OF UNDERSTANDING
EXHIBIT B CONTINUED**

10. Provides scholarships and support for certified addiction counselors and other mental and behavioral health providers, including:
 - a. Training scholarships;
 - b. Fellowships;
 - c. Loan repayment programs; or
 - d. Incentives for providers to work in rural or underserved areas of the Commonwealth;
11. Provides training on medication-assisted treatment for health care providers, students, or other supporting professionals;
12. Supports efforts to prevent over-prescribing and ensures appropriate prescribing and dispensing of opioids;
13. Supports enhancements or improvements consistent with state law for prescription drug monitoring programs;
14. Supports the education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with opioids or individuals with OUD or co-occurring SUD/MH issues;
15. Supports opioid-related emergency response services provided by law enforcement or first responders;
16. Treats mental health trauma issues resulting from the traumatic experiences of opioid users or their family members;
17. Engages nonprofits, the faith community, and community coalitions to support prevention and treatment, and to support family members in their efforts to care for opioid users in their family;
18. Provides recovery services, support, and prevention services for women who are pregnant, may become pregnant, or who are parenting with OUD or co-occurring SUD/MH issues;
19. Trains healthcare providers that work with pregnant or parenting women on best practices for compliances with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of care;
20. Addresses Neonatal Abstinence Syndrome, including prevention, education, and treatment of OUD and any co-occurring SUD/MH issues;
21. Offers home-based wrap-around services to persons with OUD and any co-occurring SUD/MH issues, including parent-skills training;

**ONE KENTUCKY OPIOID SETTLEMENT
MEMORANDUM OF UNDERSTANDING
EXHIBIT B CONTINUED**

- 22. Supports positions and services, including supportive housing and other residential services relating to children being removed from the home or placed in foster care due to custodial opioid use;**
- 23. Provides public education about opioids or opioid disposal;**
- 24. Provides drug take-back disposal or destruction programs;**
- 25. Covers the cost of administering naloxone ;**
- 26. Supports pre-trial services that connect individuals with OUD and any co-occurring SUD/MH issues to evidence-informed treatment and related services;**
- 27. Supports treatment and recovery courts for persons with OUD and any co-occurring SUD/MH issues, but only if they provide referrals to evidence-informed treatment;**
- 28. Provides evidence-informed treatment, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH issues who are incarcerated, leaving jail or prison, have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.**