

Colorado



Total Funds

\$385 million¹

Allocation

60% to regions, 20% to participating local governments, 10% to infrastructure, and 10% to the state

Mechanism

Allocation agreement between the state and local governments ([Colorado Opioid Settlement Memorandum of Understanding](#)), legislation ([Colo. Rev. Stat. Sec. 27-81-118](#))²

Key Takeaways

A Colorado Opioid Abatement Council (COAC) and Opioid Crisis Recovery Funds Advisory Committee.

The Colorado Opioid Abatement Council (COAC) oversees regional and statewide infrastructure share spending,³ while the Opioid Crisis Recovery Funds Advisory Committee, established by state law, specifically advises on the state's share of settlement funds.⁴

Nineteen (19) regions. The 19 regional councils must specifically request funds from the COAC and submit two-year spending plans that explain how regional shares will be spent on Approved Purposes.⁵

Dashboards. [Colorado's Opioid Settlement Funds Framework and Dashboard](#) provides up-to-date information about the allocation and use of settlement funds from all four shares. The regions' "[Planned Expenditures](#)" section reports on regions' anticipated spending as outlined by their two-year plans.

100% public reporting. The state,⁶ regional councils,⁷ and participating local governments must report their expenditures of all shares to the COAC.⁸ The COAC must publish this data on the [Colorado Opioid Settlement Dashboard](#).⁹

Background

This resource is current as of 4/19/2023. For the most up-to-date information, please visit <https://www.opioidsettlementtracker.com/settlementspending>.

The [Colorado Opioid Settlement Memorandum of Understanding](#) (MOU) allocates 60% of funds to regions,¹⁰ 20% to participating local governments,¹¹ 10% to infrastructure projects,¹² and 10% to the state.¹³ State law establishes the Opioid Crisis Recovery Funds Advisory Committee to advise the Department of Law on its use of the state's share of settlement funds.¹⁴

Regardless of allocation, Colorado's settlement funds must be spent on "Approved Purposes,"¹⁵ which the state defines as forward-looking overdose crisis abatement strategies and programming identified by the terms of the applicable settlement agreement (e.g., [Exhibit E](#) of the distributor and Janssen settlements) or [Exhibit A](#)

Colorado

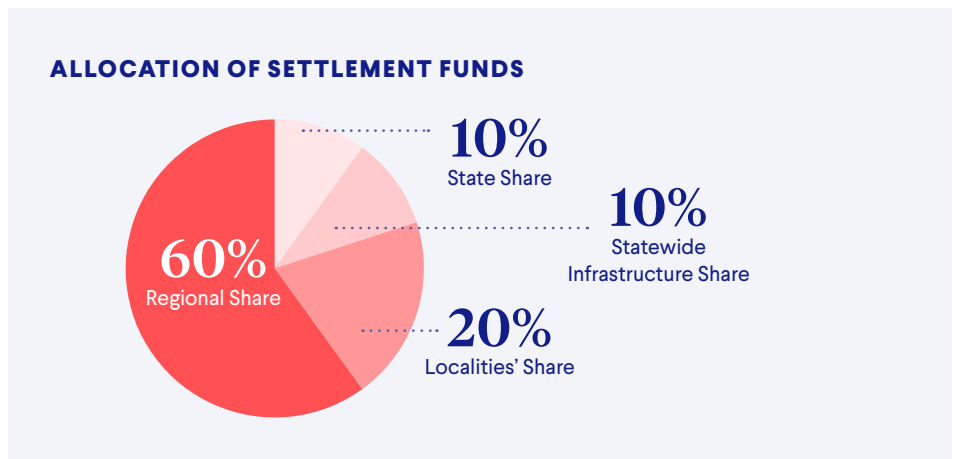


Background

(Continued)

of the MOU.¹⁶ Exhibit A includes approved purposes such as prevention, harm reduction, treatment, and recovery services, as well as additional areas of focus such as services for children, community leadership, and research. The Attorney General and the Department of Law's [Opioid Crisis Response Plan](#) prioritizes six broad focus areas for state opioid settlement spending: Prevention & Education, Treatment, Recovery, Criminal Justice, Harm Reduction, and Opioid Abatement in Rural Colorado.¹⁷

Decision-Making Process



60% REGIONAL SHARE

Participating local governments are organized into the 19 regions described in [Exhibit C](#) to the MOU.¹⁸ The [regional share](#) is distributed to these 19 regions directly and according to the percentages in the MOU's [Exhibit F](#).¹⁹ Regional funds must be spent on Approved Purposes and are subject to oversight by the [Colorado Opioid Abatement Council \(COAC\)](#).²⁰

Participating local governments in each region must form regional councils,²¹ and a region's allocation is released after its regional council specifically requests it from the COAC and submits a two-year regional spending plan that identifies the Approved Purposes the plan will fund.²² The COAC's role here is administrative, not discretionary: regional plans must comply with the MOU and the terms of the settlement agreements for funds to be released, but the COAC may not deny regional funding requests simply because it disagrees with the region's proposed Approved Uses.²³ Funds are then distributed to each region's fiscal agent for the benefit of the entire region,²⁴ and only participating local governments are eligible to receive regional shares or participate in regional councils.²⁵

Colorado



Decision- Making Process

(Continued)

REGIONAL SPENDING EXAMPLE

The Region 16 Opioid Abatement Council distributed roughly \$6.5 million across six strategies in the Pikes Peak area, with youth prevention strategies as a heavy focus. \$487,000 will compensate the families of people who died of overdose.³⁶

LOCAL SPENDING EXAMPLE

The Pueblo City Council approved a resolution authorizing the Mayor to award \$55,000 in settlement funds to the Pueblo City-County Health Department to support the Department's [Substance Use Response Ecosystem](#) program.⁴⁴

Regional councils may draft their own intra-regional agreements and governing documents, but voting members of the councils must be local government officials.²⁶ Costs associated with administering the councils are capped at the actual administrative costs or 10% of each region's allocation, whichever is lower.²⁷ Each region's planned expenditures, including anticipated administrative costs, are available on [Colorado's Opioid Settlement Funds Framework and Dashboard](#).

COLORADO OPIOID ABATEMENT COUNCIL (COAC)

The Colorado Opioid Abatement Council (COAC) oversees the distribution of opioid settlement funds and is generally responsible for ensuring that distributions comply with the MOU.²⁸ COAC also facilitates collaboration between the state, participating local governments, regional councils, and other stakeholders.²⁹ The COAC is composed of 13 members,³⁰ seven of whom are appointed by the state,³¹ including three professionals with experience in fields related to substance use disorder (e.g., prevention, treatment, and rural public health) and one directly impacted person.³² The six members appointed by participating local governments must be either local government officials or, as above, professionals with "significant experience" in fields related to substance use disorders, such as prevention, treatment, and rural public health.³³ Three sub-committees – the Administrative, Review, and Regional Abatement Assistance Committees – support the COAC.³⁴ The COAC determines its own conflict of interest and dispute policies with its [bylaws](#).³⁵

20% LOCALITIES' SHARE

The [localities' share](#) is distributed directly to participating local governments.^{37,38} Funds are allocated according to the percentages in the MOU's [Exhibit D](#),³⁹ and [Exhibit E](#) provides a default intra-county allocation that participating local governments may choose to modify via written agreement.⁴⁰

Participating local governments retain full discretion over the use of these shares, provided the funds are spent on Approved Purposes only.⁴¹ Participating local governments may redirect their shares to the regional shares and pool or collaborate with their local and regional allocations.⁴² Costs associated with administering these funds must also be capped at actual costs or 10%, whichever is lower.⁴³ Participating local governments' anticipated funding over 18 years and "Year 1" payments are available [here](#).



Decision-Making Process

(Continued)

10% STATEWIDE INFRASTRUCTURE SHARE

The [Statewide Infrastructure Share](#) will be distributed to state agencies, participating local governments, and regional councils,⁴⁵ with non-profit organizations eligible to serve as “implementing organizations.”⁴⁶ Infrastructure Share funds must be used for abatement-related capital improvements and to offer operational assistance for infrastructure development.⁴⁷ This share is intended to supplement other shares⁴⁸ and encourage cross-regional collaboration.⁴⁹

The COAC is tasked with establishing procedures for the distribution and oversight of funds from the Statewide Infrastructure Share.⁵⁰ These procedures are intended to ensure, among other things, that the Infrastructure Share is spent only on Approved Purposes,⁵¹ that dispute resolution procedures exist,⁵² and that costs associated with administering the share are capped at the lower of actual costs or 10%.⁵³

The COAC distributed its first set of grants from the Statewide Infrastructure Share in March 2023. Roughly \$1.9 million went to six organizations across the state working on a range of projects, including recovery residences, youth programs, and mobile harm reduction services.⁵⁴

10% STATE SHARE

The [State Share](#) is paid directly to the state acting through its Attorney General and the Department of Law.⁵⁵ This share must be spent on Approved Purposes,⁵⁶ and the State must try to limit administrative costs “as much as practicable.”⁵⁷ The Attorney General and Department of Law otherwise maintain full discretion over how this share is spent on programs with statewide impact, on supporting the work of the Opioid Response Unit in the Department of Law, and as funding for Colorado’s two federally recognized tribal nations.⁵⁸ The Opioid Crisis Recovery Funds Advisory Committee advises the Department of Law on the uses of state settlement funds.⁵⁹ Members of the committee as of July 2021 are available [here](#).



Tracking Funds and Accountability

- The state,⁶⁰ regional councils,⁶¹ and participating local governments must report any expenditure of settlement funds to the COAC.⁶² The COAC must then publish this data on the [Colorado Opioid Settlement Dashboard](#).⁶³
- The COAC is also subject to other transparency-related obligations: it must develop a dashboard to publicize expenditures,⁶⁴ require outcome data associated with spending,⁶⁵ and comply with Colorado's open records and meetings laws.⁶⁶
- The COAC is ultimately responsible for accounting for opioid settlement funds and may take remedial action against regions that do not comply with applicable requirements (e.g., a region's two-year spending plan, the MOU, or the settlement agreements).⁶⁷
- The state and participating local governments can hold each other, and the COAC, responsible for misspent settlement funds.⁶⁸ However, the power to enforce the terms of Colorado's state-local agreement is available only to the state and participating local governments themselves, not to non-profit organizations or community advocates.

Engaging in the Process

- Explore the regional "Planned Expenditures" section on [Colorado's Opioid Settlement Funds Framework and Dashboard](#) site.
- Attend COAC meetings: past meeting minutes and links to attend future meetings are available on its [website](#).
- Attend Opioid Crisis Recovery Funds Advisory Committee meetings to observe how state share spending decisions are made: past meeting minutes and links to future meetings are available on the Advisory Committee's [website](#).
- [Sign up](#) for COAC's newsletter to receive updates about its work and to hear about future funding opportunities. Awards from the first round of infrastructure funding are listed on COAC's [website](#).
- The [Colorado Opioid Abatement Conference](#) was held in Denver and virtually in August 2022. Watch for announcements for and attend future conferences.
- Write to the [designated contact](#) at your regional council to learn how funds are being spent in your region.



Additional Resources

COLORADO OPIOID ABATEMENT COUNCIL - OVERSEEING LOCAL,
REGIONAL, STATE, AND STATEWIDE INFRASTRUCTURE SHARES

[Colorado Opioids Settlement Memorandum of Understanding Summary](#)

[Colorado Opioids Settlement MOU: FAQ](#)

[COAC Policies](#)

[Opioid Abatement Conference Materials, August 2022](#)

OPIOID CRISIS RECOVERY FUNDS ADVISORY COMMITTEE
ADVISING AND COLLABORATING ON THE STATE SHARE

COLORADO DEPARTMENT OF LAW

[Combating the opioid crisis](#)

[Opioid Crisis Response Plan, 2021](#)

[Colorado's Opioid Settlement Funds Framework and Dashboard, including data visualizations and detailed content for the following:](#)

- [Regional Distributions](#)
- [Local Government Distributions](#)
- [State and Infrastructure Shares](#)

COLORADO CONSORTIUM FOR PRESCRIPTION DRUG ABUSE PREVENTION
[Consortium Prescription Drug Abuse Data Dashboard](#)

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
[Drug Overdose Dashboards](#)

COLORADO HEALTH INSTITUTE

[Colorado's Statewide Strategic Plan for Substance Use Disorder Recovery, 2020-2025](#)



References

Last updated April 19, 2023.

1. From settlements with distributors McKesson, AmerisourceBergen, Cardinal Health and manufacturer Johnson & Johnson only. Colorado is also participating in several settlements that are likely to be finalized later this year, e.g., CVS, Walgreens, Walmart, Allergan, and Teva. See KHN's "[The Right to Know: Where Does Your State Stand on Public Reporting of Opioid Settlement Cash?](#)" interactive transparency map (located mid-article; click "Colorado" for state-specific participation information) and OpioidSettlementTracker.com's [Global Settlement Tracker](#) for more information.
2. Neither Colorado's MOU nor its state law creating the Advisory Committee are limited by their definitions to the Distributor and Janssen Settlements (see, e.g., MOU A.13, A.8). Note that many states' mechanisms for opioid settlement spending were designed to comply with the requirements of the [Distributor](#) and [Janssen](#) settlement agreements, which require (among other provisions) that a minimum of 85% of settlement funds be spent on opioid remediation expenditures. *Section V.B.1.* Subsequent settlements require varying thresholds of opioid remediation spend; the [CVS](#) and [Walgreens](#) agreements, for instance, require a minimum of 95.5% and 95% opioid remediation spending, respectively. *Section V.B.1.* Keep an eye out for the ways states will amend their spending mechanisms, if at all, to comply with subsequent settlement terms.
3. MOU C.3.
4. Colo. Rev. Stat. Sec. 27-81-118(1). See also [Colorado's Opioid Settlement Funds Dashboard: State Share and Infrastructure Funds](#).
5. MOU F.7.
6. MOU D.3.
7. MOU F.10.
8. MOU E.8. The COAC is referred to as the "Abatement Council" in the [Colorado MOU](#).
9. [MOU C.4\(c\)\(i\)](#).
10. MOU B.2(c).
11. MOU B.2(b). Participating local governments are listed [Exhibit B](#).
12. MOU B.2(d).
13. MOU B.2(a).
14. Colo. Rev. Stat. Sec. 27-81-118(1).
15. MOU B.4.
16. Forward-looking strategies by definition prohibit reimbursement uses of funds. MOU A.1.
17. See Opioid Crisis Response Plan pg. 7.
18. "Municipalities located in multiple Regions may join all or some of the Regions in which they are located according to Exhibit C." MOU F.2.
19. MOU B.3, B.2(c), F.3. The amounts distributed to regions may be found [here](#).
20. MOU B.2(c), C.3.
21. "[W]hile giving consideration to the regional governance models illustrated in [Exhibit G](#)," MOU F.5.
22. "Any Regional Council may seek assistance from the Abatement Council for purposes of developing its 2-year plan." MOU F.7. "Regional councils may opt to request less than 100% of their allocation, and unused funds will roll over to future years." [Colorado's Opioid Settlement Funds Dashboard: Regional Funds](#).
23. MOU F.9.
24. MOU F.5.
25. MOU F.6.
26. MOU F.5(a).
27. MOU F.8.
28. MOU C.1 and C.3.
29. MOU C.4(d).
30. MOU C.2.
31. MOU C.2(a).
32. MOU C.2(a)(iii), C.2(a)(iv).
33. MOU C.2(b). Current appointees listed on COAC's meeting agendas include Phil Weiser, Heather Ihrig, Andy Kerr, David Frank, KC Hume, Aaron Miltenberger, Nancy Rodgers, Scott Weaver, Christian Champagne, Lori Laske, Josh Blum, Janet Rowland, and Racquel Garcia. See, e.g., <https://coag.gov/app/uploads/2023/04/4.5.23-COAC-Agenda.pdf>.
34. See [Colorado Opioid Abatement Council](#).



References

(Continued)

35. MOU C.4. See, e.g., [Colorado Opioid Abatement Council Remedial Procedures](#) and [Colorado Opioid Abatement Council Infrastructure Share Remedial Procedures](#). However, COAC does not have rulemaking authority. MOU C.4(a).
36. "A final strategy, victim advocacy, is set to receive over \$487,000 and intends to aid those victims' families who, because of the nature of an overdose, may not qualify for preexisting crime victims rights compensation. The effort was largely supported by community members who have lost loved ones to opioid use." [Pikes Peak regional council approves nearly \\$7 million in opioid settlement funds for prevention, treatment](#).
37. MOU B.3.
38. MOU B.2(b), E.1. Non-participating local governments' shares will be reabsorbed into their corresponding regional shares. MOU E.4.
39. MOU E.2.
40. MOU E.3.
41. MOU E.7. See also MOU B.2(b).
42. MOU E.6, B.5.
43. MOU E.7.
44. [City of Pueblo Regular City Council Meeting - March 27, 2023, Opioid settlement money potentially headed to the Pueblo Health Department](#).
45. MOU G.1, G.3(b).
46. See COAC's [Infrastructure Share Funding Opportunity](#).
47. MOU G.2.
48. MOU G.2.
49. See [Colorado Opioid Abatement Council](#).
50. MOU G.3.
51. MOU B.2(d), G.3(a).
52. MOU G.3(d). See, e.g., [Colorado Opioid Abatement Council Infrastructure Share Remedial Procedures](#).
53. MOU G.3(e).
54. AG's [3/13/2023 press](#).
55. MOU B.3, D.1, A.14.
56. MOU B.2(a).
57. MOU D.2.
58. MOU D.2, [Colorado's Opioid Settlement Funds Dashboard: State Share and Infrastructure Funds](#).
59. Colo. Rev. Stat. Sec. 27-81-118(1). See also [Colorado's Opioid Settlement Funds Dashboard: State Share and Infrastructure Funds](#).
60. MOU D.3.
61. MOU F.10.
62. MOU E.8. COAC is the "Abatement Council" described in the [Colorado MOU](#).
63. MOU C.4(c)(i). "The Abatement Council may also require outcome related data from any Party or Regional Council that receives Opioid Funds in accordance with Sections (D)-(G) and may publish such outcome related data in the centralized public dashboard or other repository described above." C.4(c)(ii).
64. MOU C.4(c)(i).
65. MOU C.4(c)(ii).
66. MOU C.4(c).
67. MOU C.4(b), F.12-13.
68. MOU H.2-3.