



# Kentucky

## Total Funds

**\$478  
million<sup>1</sup>**

## Allocation

**50% to the state's Opioid Abatement Trust Fund and 50% to counties, consolidated local governments, urban-county governments, and cities**

## Mechanism

**Kentucky Legislation on the Use of Opioid Settlement Funds**

## Background

### Key Takeaways

Legislation created a Trust Fund for opioid settlement money coming to the state.

An Advisory Commission will administer the state's Trust Fund. The Commission includes diverse stakeholders.

Legislation creates parameters for how the Trust Fund money can be used. A range of strategies and projects are possible.

An annual certification process and Advisory Commission website are ways that stakeholders can monitor the process and advocate for transparency.

In March 2021, Governor Beshear signed legislation on Kentucky's opioid settlement funds.<sup>2</sup> The legislation established the Opioid Abatement Trust Fund ("Trust Fund"),<sup>3</sup> which will receive 50% of opioid-related settlement money coming into Kentucky.<sup>4</sup> Recipients of money from the Trust Fund, as well as localities receiving funds directly from the global settlement, must submit annually a certification that the funds were used for an [authorized purpose](#) under Kentucky law, a list of fund recipients and amounts (as applicable), and a description of the use of the funds.<sup>5</sup> Authorized uses of the funds in Kentucky's law range widely, from reimbursement for abstinence-based treatment in outpatient and residential settings to projects that target "evidence-informed treatment, recovery support, harm reduction, or other appropriate services to individuals with OUD and co-occurring SUD/MH issues" who are justice-involved.<sup>6</sup>

The legislation also established the Kentucky Opioid Abatement Advisory Commission ("Advisory Commission"), including the Advisory Commission's membership, meeting requirements, and duties.<sup>7</sup> The Advisory Commission, which is chaired by the state Attorney General or their designee, is authorized to award money from the Trust Fund for specified uses related to opioid use disorder and co-occurring substance use disorder or mental health issues.<sup>8</sup>

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## Decision-making Process

**A** The state’s portion of the settlement fund is managed by the Kentucky Opioid Abatement Advisory Commission according to criteria in the state law.

1. Members of the Commission (list current as of Oct. 2022):<sup>9</sup>



Attorney General  
*or designee (Chair)*  
**W. Bryan Hubbard**



State Treasurer  
*or designee*  
**Allison Ball**



Secretary of Cabinet  
for Health and Family  
Services *or designee*  
**Eric Friedlander**



Member appointed  
by UK HEALing  
Communities Study  
**Dr. Sharon Walsh**



Member appointed by  
the AG representing  
victims of the opioid  
crisis  
**Dr. Jason Roop**



Member appointed by  
the AG representing  
the drug treatment and  
prevention community  
**Van Ingram**



Member appointed by  
the AG representing law  
enforcement  
**Vic Brown**



Two citizens at large  
appointed by the AG  
**Karen Butcher and  
Von Purdy**



Two non-voting  
members, one appointed  
by the Speaker of  
the House and one  
appointed by the  
President of the Senate  
**Danny Bentley and  
Karen Kelly**

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## Decision-making

### Process

*Continued*

2. Actions are taken by an affirmative vote of the majority of members present (5 voting members is a quorum)
3. Meetings occur at least twice a year and must follow the requirements of Open Meetings by Public Agencies (generally open to the public, minutes publicly available, etc.)
4. Current members, scheduled meetings, and meeting minutes + recordings can be found online: <https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission.aspx>

### **B** Planning at the local level for settlement money varies.

1. For example, in Louisville, KY, the Metro Public Health and Wellness team will “assemble multiple agencies throughout Louisville Metro Government to seek public input to develop a plan to determine how the funds will be used to help the community with opioid issues. That plan will then be presented to Metro Council for their input and approval.”<sup>10</sup> It is important that advocates familiarize themselves with the process in their own locality to effectively support evidence-based strategies.

## Engaging in the Process

### **A** Attend Commission meetings—you can find the dates and locations here: <https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission.aspx>.

1. Monitor/advocate around membership of the Commission (e.g., who represents victims of the opioid crisis, who are the citizens at large?)
2. Reach out to the Chair and Executive Director of the Kentucky Opioid Abatement Advisory Commission (AG’s designee) Bryan Hubbard: 502-696-5300 or [kyoaac@ky.gov](mailto:kyoaac@ky.gov)
3. Submit a grant proposal to the Opioid Abatement Advisory Commission.

## Tracking Funds and Accountability

1. The Commission is required by law to have a website that includes minutes, attendance rolls, funding awards, and reports of funding by recipients (see above)
2. Funds that the Commission awards must follow the criteria in [KRS § 15.291](#)—this law creates diverse options, ranging from support to projects that focus on drug take-backs to those that aim to provide “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.”
3. Watch the certification process required by [KRS § 15.293](#)

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## Additional Resources

### DOCUMENT

#### Kentucky Attorney General's Commission Website

<https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission-.aspx>

### TRACKER

#### OpioidSettlement Tracker.com

<https://www.opioidsettlementtracker.com/>

### VIDEO

#### Office Hours: Accessing Opioid Settlement Funding for Harm Reduction Programs with Christine Minhee

<https://www.youtube.com/watch?v=X7cWmhThEDc>

### PRINCIPLES

#### Principles for the Use of Funds from the Opioid Litigation

<https://opioidprinciples.jhsph.edu/>

### TOOLKIT

#### Opioid Settlement Toolkit for Community-Based Organizations

<https://www.social-current.org/reports/opioid-settlement-toolkit-community-based-organizations/>

### COMMUNITY

#### National Association of Counties Opioid Solutions Center

<https://www.naco.org/resources/opioid-solutions-center>

## References

1. <https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission-.aspx>, Accessed October 27, 2022. This total is limited to funds received from settlements with McKesson, Cardinal Health, AmerisourceBergen, and Johnson & Johnson. Additional money may be available through other settlement agreements.
2. 2021 Kentucky House Bill 427, <https://apps.legislature.ky.gov/record/21rs/hb427.html>.
3. Legislation enacted in April 2022 ([2022 Kentucky House Bill 92](#)) expanded the Opioid Abatement Trust Fund to include money received through settlements or bankruptcy agreements with any entity involved in the prescription opioid litigation. The original legislation included only money received from settlements with McKesson, Cardinal Health, AmerisourceBergen, and Johnson & Johnson.
4. Ky. Rev. Stat. § 15.293(2)-(3).
5. Ky. Rev. Stat. § 15.293(c)(1), (c)(2)(a).
6. Ky. Rev. Stat. § 15.291(5)(a)(1)(b), (b)(27).
7. Ky. Rev. Stat. § 15.291.
8. You can view the list of permitted uses in Kentucky Revised Statutes Section 15.291(5), located on pages 2-4 of this document <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=52961>.
9. Terms vary across members of the Commission. The AG, State Treasurer, and Secretary for CHFS (or their designee(s)) serve terms concurrent with holding their respective offices or positions. The remainder of the Commission member serve staggered 2 year terms.
10. <https://louisvilleky.gov/news/mayor-announces-estimated-318-million-opioid-settlement-funds-leaders-observe-international>. Accessed Sept. 27, 2022.