

Missouri



Total Funds

\$458 million¹

Allocation

60% to the state and 40% to litigating subdivisions²

Mechanism

Allocation agreement between the state and local governments ([Memorandum of Understanding Between the State of Missouri and Its Political Subdivisions on Proceeds Relating to the Settlement of Opioid Litigation](#)), legislation ([Mo. Stat. Ann. 196.1050](#))

Key Takeaways

60-40 state/local allocation of distributor and Johnson & Johnson settlements. The [Memorandum of Understanding Between the State of Missouri and Its Political Subdivisions on Proceeds Relating to the Settlement of Opioid Litigation](#) (MOU) allocates 60% of Missouri's opioid settlements to the state's Opioid Addiction Treatment and Recovery Fund and 40% to litigating subdivisions.

A different allocation for bankruptcy settlements. Purdue and Mallinckrodt funds, which involve bankruptcy settlements separate from the national settlement agreements, are allocated differently: 85% to the state and 15% to litigating subdivisions. Like the national settlement agreement funds, however, they must be used for approved uses.³

Public reporting. All recipients of settlement funds must annually report expenditures to the legislature, and the state must then publish these expenditure reports "through its relevant agencies."⁴ Per state law,⁵ these agencies are: the departments of [mental health](#), [health and senior services](#), [social services](#), [public safety](#), [corrections](#), and the [judiciary](#).

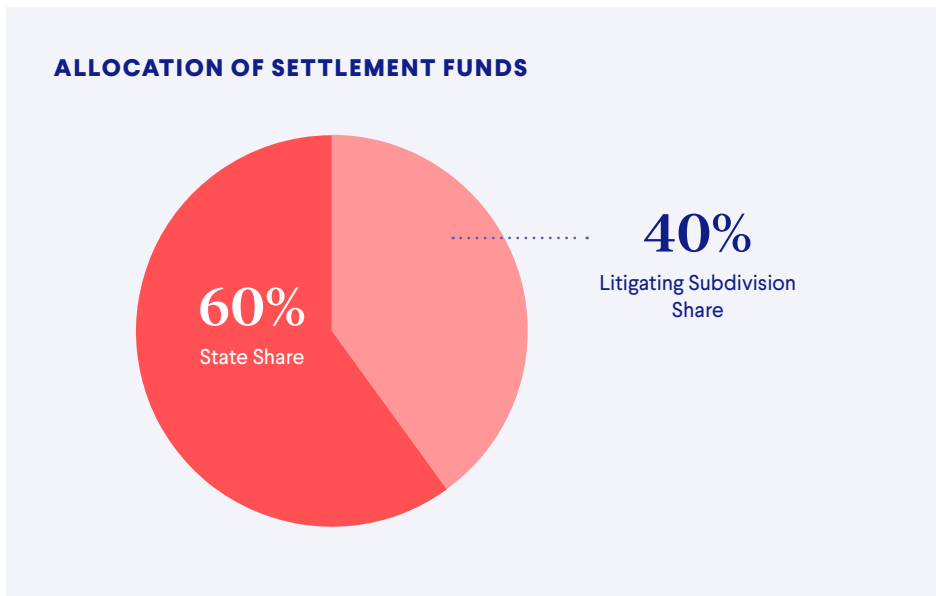
Background

The [Memorandum of Understanding Between the State of Missouri and Its Political Subdivisions on Proceeds Relating to the Settlement of Opioid Litigation](#) (MOU) allocates 60% of funds from the distributor and Johnson & Johnson settlements to the state and 40% of those funds to litigating subdivisions.⁶ A [state law](#) created the Opioid Addiction Treatment and Recovery Fund to house the state's share of settlement funds.⁷ Both the state and local governments must spend their settlement funds on "Approved Uses" outlined in [Exhibit E](#) of the national settlement agreements, such as those related to the prevention and treatment of opioid use disorder.⁸

This resource is current as of 4/11/2023. For the most up-to-date information, please visit <https://www.opioidsettlementtracker.com/settlementspending>.



Decision- Making Process



60% STATE SHARE

The state's share of funds is held in the Opioid Addiction Treatment and Recovery Fund and must be spent exclusively on approved uses.⁹ The state treasurer serves as custodian of and ultimately approves disbursements from the fund.¹⁰ The money will be used by the departments of mental health, health and senior services, social services, public safety, corrections, as well as the judiciary on expenditures related to opioid addiction treatment and prevention.¹¹

Missouri's non-litigating subdivisions¹² will receive funds from the state share, not from the local share.¹³ These funds will be distributed to them directly.¹⁴ Estimated percentage allocations for non-litigating subdivisions may be derived from the national settlement agreements' [Exhibit G](#).¹⁵

40% LITIGATING SUBDIVISION SHARE

The Litigating Subdivisions' 40% share of funds is distributed to political subdivisions that initiated opioid-related litigation on or before January 1, 2021.¹⁶ As with Opioid Addiction Treatment and Recovery Fund monies, this share must be spent only on approved uses.¹⁷ A locality may choose to give its share of settlement funds to the state, in which case those funds will be deposited into the state Opioid Addiction Treatment and Recovery Fund.¹⁸ Localities will likely use their normal budgeting and decision-making processes to allocate and spend settlement funds.¹⁹ Estimated percentage allocations per subdivision may be derived from the Distributor and Janssen Settlement Agreements' [Exhibit G](#).²⁰



Missouri

Decision-Making Process

(Continued)

LOCAL PLANNING EXAMPLES

St. Louis County received its first installment from the national settlement agreements in December 2022. The county deposited the \$4.8 million it received into the Opioid Remediation Fund, established to “support the treatment of substance use or mental health conditions.”²¹ The St. Louis County Department of Public Health released a Substance Use Action Plan in May 2022, and the County Executive indicated that opioid settlement funds would “amplify” the strategies the plan promotes.²²

The City of St. Louis appropriated roughly \$1.3 million of opioid settlement funds to its Department of Health via Ordinance 71634, effective February 2023. Launched in October 2022, the city’s Behavioral Health Bureau is responsible for developing a comprehensive behavioral health strategy for the city. It launched the Opioid and Substance Use Task Force – which includes harm reduction community leaders and members of faith-based organizations – in January 2023.²³

Tracking Funds and Accountability

- All recipients of settlement funds must annually report expenditures to the legislature, and the state must then publish these expenditure reports “through its relevant agencies.”²⁴ Per state law,²⁵ these agencies are: the departments of [mental health](#), [health and senior services](#), [social services](#), [public safety](#), [corrections](#), and the [judiciary](#).
- The state and its subdivisions may adjudicate any MOU-related disputes in St. Louis City Circuit Court.²⁶ These rights are limited to the state and participating local governments themselves; non-profit organizations and community advocates do not have the power to enforce the terms of the MOU.

Engaging in the Process

- Monitor the websites of the Departments of [mental health](#), [health and senior services](#), [social services](#), [public safety](#), [corrections](#), and the [judiciary](#), where reports about their use of state opioid funds must be posted.²⁷
- Encourage opportunities for community input on the use of funds at the state and local levels. For example, the state and/or its localities could create advisory bodies that include directly impacted people or hold townhalls to receive public feedback.



Additional Resources

MISSOURI ATTORNEY GENERAL'S OFFICE
Fighting Addiction, Saving Lives

MISSOURI FOUNDATION FOR HEALTH
Reducing Opioid Deaths in Missouri: Harm Reduction Strategies

OTHER
Time2ActMissouri.com

NoMODOeaths.org

References

Last updated April 11, 2023.

1. From settlements with distributors McKesson, AmerisourceBergen, Cardinal Health and manufacturer Johnson & Johnson only. Missouri 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 "Missouri" for state-specific participation information) and OpioidSettlementTracker.com's [Global Settlement Tracker](#) for more information.
2. The 60%-40% state-local allocation applies only to the distributor and Johnson & Johnson settlements. MOU C.25. Funds from the Purdue and Mallinckrodt bankruptcies are allocated 85% to the state and 15% to litigating subdivisions. MOU D. 30.
3. MOU D.30-33.
4. MOU F.42, B.17.
5. Mo. Stat. Ann. 196.1050.
6. MOU C.25. A different allocation applies to funds from the Purdue and Mallinckrodt bankruptcies, which are split 85% to the state and 15% to litigating subdivisions. MOU D.30.
7. Mo. Stat. Ann. 196.1050. While Missouri's MOU is limited to the Distributor and Janssen Settlements along with the Purdue and Mallinckrodt bankruptcies, the state law establishing the Opioid Addiction Treatment and Recovery Fund encompasses proceeds from "any monetary settlement or portion of a global settlement between the attorney general of the state and any drug manufacturers, distributors, or combination thereof." See Mo. Stat. Ann. 196.1050(1). 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.
8. MOU B.24.
9. MOU B.21. Approved uses of state funds are limited to "opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention. Under no circumstances shall such settlement moneys be utilized to fund other services, programs, or expenses not reasonably related to opioid addiction treatment and prevention." Mo. Stat. Ann. 196.1050 Sec. 1.
10. Mo. Stat. Ann. 196.1050 Sec. 2(1).
11. Mo. Stat. Ann. 196.1050 Sec. 1 and MOU B.24.
12. "'Non-Litigating Subdivisions' or 'NLS' means Political Subdivisions with a population of 10,000 or more individuals, according to [Exhibit G](#) to the J&J National Settlement and the Distributor National Settlement, that did not initiate opioid-related litigation on or before January 1, 2021." MOU B.19.



References

(Continued)

13. MOU C.27. See also MOU C.26 (“Thus, Non-Litigating Subdivisions shall receive the same amount under [Exhibit G](#) they would have received as if 15% of the Opioid Settlement Funds had been allocated to all Political Subdivisions”).
14. MOU C.27.
15. MOU C.26.
16. MOU B.20 and B.23.
17. MOU C.29.
18. “Any Political Subdivision that cannot use its Opioid Settlement Funds for Approved Uses as required by this MOU may remit their allocated share of Opioid Settlement Funds to the State to be deposited in the Opioid Addiction Treatment and Recovery Fund.” MOU C.29.
19. See, e.g., City of St. Louis [Ordinance 71634](#): “There is hereby appropriated the sum of up to [\$1,348,884.03] of Opioid Settlement funds to the Department of Health, to the extent such funds are received. The Director of the Department of Health, or his or her designee, is hereby authorized to make, negotiate, and execute any and all contracts or other documents on behalf of the City to expend such funds, and to expend such funds on behalf of the City to support prevention, treatment, and recovery efforts for substance use/abuse and related behavioral health issues. The Comptroller is authorized and directed to issue warrants upon the City Treasury for payment of all expenditures authorized in this Section provided that such warrants do not exceed the total amount of funds appropriated by this Section.”
20. MOU C.26.
21. <https://stlouiscountymo.gov/st-louis-county-government/county-executive/county-executive-news/st-louis-county-receives-48m-in-state-opioid-settlement-funds/>
22. According to County Executive Dr. Sam Page, “This plan came with input from nearly 40 partners, including the city Health Department. As we deepen the partnerships and work with the city and other counties in the bi-state region, we do so with the commitment to increased treatment and prevention and saving more lives from overdoses. In St. Louis County, we have an opportunity to amplify these efforts by dedicating \$48 million in opioid settlement funds to treatment and prevention programs.” https://www.stlamerican.com/your_health_matters/health_news/stl-county-receives-4-8-million-opioid-settlement-payment/article_43d9a642-8152-11ed-89f2-0b274918ea8d.html
23. <https://www.stlouis-mo.gov/government/departments/health/news/behavioral-health-bureau-work-update.cfm>
24. “Each recipient of Settlement Funds shall provide to the Gen Assembly a report detailing for the preceding year (1) the amount of Settlement Funds received; (2) a detailed reporting of how any Settlement Funds were spent, including, but not limited to, an itemization of the person or entity to whom the funds were paid and the program, service, or product for which the funds were used; and (3) whether or not the expenditure fits within an Approved Use and identify such Approved Use. The State, through its relevant agencies, shall publish on its website the reports described above.” MOU F.42. “Settlement Funds” refers collectively to Opioid Settlement Funds and Bankruptcy Settlement Funds.” MOU B.17.
25. Mo. Stat. Ann. 196.1050.
26. MOU H.53.
27. MOU F.42.