

New Hampshire



Total Funds

\$155.5 million¹

Allocation

85% to the state and 15% to
litigating localities

Mechanism

Legislation ([RSA Sec. 126-A:83-86](#)) and the New Hampshire Opioid Abatement Advisory Commission's rules ([Chapter He-C 1000](#))²

Key Takeaways

85-15 state-local allocation. Most of New Hampshire's settlement funds sit in the Opioid Abatement Trust Fund and are administered by the state Department of Health and Human Services. Monies in the Fund must be spent on the strategies in [state law](#).

100% public reporting. The [NH Opioid Abatement Advisory Commission](#) must publish its funding awards and reports of funding by recipients to a website, and each locality must also provide a detailed accounting of its funds to the Department of Health and Human Services and the Advisory Commission.³

Background

A New Hampshire [state law](#) establishes the 85% to 15% allocation of opioid settlement funds between the state and litigating localities.⁴ The law also establishes the Opioid Abatement Trust Fund (Fund) and the New Hampshire Opioid Abatement Advisory Commission.⁵ The treasurer annually distributes 15% of settlement funds to litigating localities,⁶ with the remainder of settlement monies being deposited into the Fund.⁷ State law includes wide-ranging strategies for how monies in the Fund may be used,⁸ including reimbursements for past overdose crisis expenditures,⁹ access to housing,¹⁰ employment training and educational services for those in treatment for opioid use disorder,¹¹ and scholarships for mental and behavioral health providers.¹²

This resource is current as of 4/14/2023. For the most up-to-date information, please visit <https://www.opioidsettlementtracker.com/settlementspending>.



Decision-Making Process

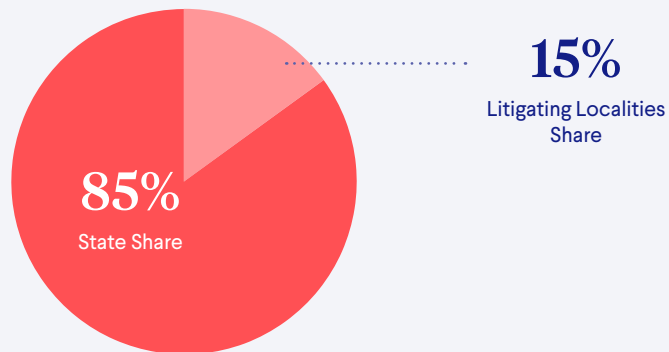
LOCAL PLANNING EXAMPLE

Nashua's Board of Aldermen created via [resolution](#) a special fund to accept opioid settlement dollars. The [Mayor's Task Force on Substance Misuse](#) advises on spending, with the mayor ultimately allocating funds.²⁶

85% STATE SHARE

The state's share of settlement funds is held in the Opioid Abatement Trust Fund and distributed by the Commissioner of the Department of Health and Human Services (DHHS)¹³ upon approval of the New Hampshire Opioid Abatement Advisory Commission (Commission), governor, and [Executive Council](#).¹⁴ State law creates the Opioid Abatement Advisory Commission and lays out its duties.¹⁵ These duties include advising the Commissioner of DHHS on administering and managing the Fund, including selecting funding recipients,¹⁶ and approving project funding consistent with the strategies outlined in state law.¹⁷ Both governmental entities and non-profit organizations are eligible to receive awards from the Fund.^{18,19} The Commission is also empowered to recommend state and local policy changes.²⁰ DHHS provides administrative support to the Advisory Commission.²¹ The February 2023 membership list may be found [here](#) and includes representation from the Department of Corrections, the [Governor's Commission on Alcohol and Other Drugs](#), local fire and police chiefs, and state legislators, among others.²² Most Commission members are appointed by the governor or state agency leadership.

ALLOCATION OF SETTLEMENT FUNDS



15% LITIGATING LOCALITIES SHARE

State law provides that 15% of the state's settlement funds will be distributed directly to local governments that filed litigation against opioid manufacturers, distributors, or other opioid-related entities on or before September 1, 2019, with each litigating locality's share based on its population.²³ Some litigating localities may choose to spend their share of settlement funds on one or more of the strategies outlined in state law,^{24,25} and all litigating localities must use the settlement funds in accordance with the applicable settlement agreements. Litigating localities will likely use their normal budgeting and decision-making processes to expend their share of settlement funds.



Tracking Funds and Accountability

- The [NH Opioid Abatement Advisory Commission](#) must publish its funding awards and reports of funding by recipients to a website ([likely its own](#)).²⁷ Each locality must also provide a detailed accounting of its funds to the Department of Health and Human Services.²⁸
- Advisory Commission meetings must be conducted in accordance with New Hampshire's [open meeting law](#)²⁹ and the group must meet at least twice a year.³⁰

Engaging in the Process

- Watch for opportunities to apply for grants funded by opioid settlement monies on the DHHS [grants portal](#) and Advisory Commission's [website](#). Non-profits are eligible to apply for monies from the Opioid Abatement Trust Fund.³¹
- Scan the Commission's past agendas and meeting minutes under "Meeting Information" [here](#).
- Leverage the Advisory Commission's ability to recommend policy changes at the state and local levels and advocate for more harm reduction-rooted approaches.

Additional Resources

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Procedure and Criteria for Applying for Funding for Opioid Abatement Projects through the Fund](#)

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUGS

[Strengthening Our Response Together Action Plan Update, 2022-2025](#)

OTHER

[NH Opioid Abatement Trust Fund & Advisory Commission](#)

[Opioid Abatement Trust Fund - Distributions under 126-A:83](#)



References

Last updated April 14, 2023.

1. From settlements with distributors McKesson, AmerisourceBergen, Cardinal Health and manufacturer Johnson & Johnson only. New Hampshire 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 "New Hampshire" for state-specific participation information) and OpioidSettlementTracker.com's [Global Settlement Tracker](#) for more information.
2. It is unclear whether the state law establishing the New Hampshire Opioid Abatement Trust Fund will apply to all opioid-related lawsuits or only those explicitly referenced in the law, such as the lawsuits against opioid manufacturers and distributors. 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. Section 126-A:86(III), He-C 1001.06(a),(c), Sec. 126-A:84(VI), He-C 1002.11(f), and Sec. 126-A:84(IV). See also OpioidSettlementTracker.com's "[States' Initial Promises to Publicly Report Their Opioid Settlement Expenditures.](#)"
4. RSA Sec. 126-A:84(II)(a)-(b).
5. RSA Sec. 126-A:83(I) and 85(I).
6. RSA Sec. 126-A:83(II) and 84(II)(a). Includes only counties and political subdivisions that filed lawsuits on or before September 1, 2019. RSA Sec. 126-A:83(II).
7. RSA Sec. 126-A:83(I) and 84(II)(b).
8. RSA Sec. 126-A:86(I)(b).
9. RSA Sec. 126-A:86(I)(b)(1)-(2).
10. RSA Sec. 126-A:86(I)(b)(6).
11. RSA Sec. 126-A:86(I)(b)(8).
12. RSA Sec. 126-A:86(I)(b)(11).
13. RSA Sec. 126-A:84(II)(b).
14. RSA Sec. 126-A: 84(II)(b) and 86(II)(b). The executive council works together with the governor to manage state affairs, with a particular emphasis on overseeing government spending. Councilors are directly elected by the people in their districts.
15. RSA Sec. 126-A:85 and RSA Sec. 126-A:86.
16. RSA Sec. 126-A:86(I)(a).
17. RSA Sec. 126-A:85(I).
18. RSA Sec. 126-A:84(II)(b).
19. <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents2/he-c-1000-rule-text.pdf#page=2>
20. RSA Sec. 126-A:86(II).
21. RSA Sec. 126-A:85(VII).
22. Membership rules can be found in RSA Sec. 126-A 85.II(a)-(v). Members serve staggered, 2-year terms. RSA Sec. 126-A:85. (II).
23. RSA Sec. 126-A:83(II). "The distribution of funds shall be based on the most recent decennial census population of each qualifying county and political subdivisions. The population of any political subdivision which receives funds under this section shall not be included in the population of the county for determining the distribution to that county."
24. These strategies are located at RSA Sec. 126-A:86(I)(b).
25. For example, The City of Nashua, for instance, specifically references these criteria in an official document related to the receipt of settlement monies. "Funds will be used in accordance with RSA 126-A:86(I)(b)(1) through (14) for the intervention, treatment, and recovery services related to opioid use disorder." <https://www.nashuanh.gov/ArchiveCenter/ViewFile/Item/6847>.
26. See, e.g., https://www.nashuanh.gov/AgendaCenter/ViewFile/Minutes/_01172023-6384 under "Meeting Purpose."



New Hampshire

References

(Continued)

27. Section 126-A:86(III); He-C 1001.06(a),(c); and Sec. 126-A:84(VI). See also OpioidSettlementTracker.com's "[States' Initial Promises to Publicly Report Their Opioid Settlement Expenditures.](#)"
28. He-C 1002.11(f) and Sec. 126-A:84(IV).
29. RSA Sec. 91-A et seq.
30. RSA Sec. 126-A:85(VI).
31. He-C 1002.03(a).