



## Total Funds

\$600 million<sup>1</sup>

## Allocation

70% to the Opioid Abatement Fund, 15% to local governments, 15% to the state

## Mechanism

Allocation agreement between the state and local governments ([Tennessee State-Subdivision Opioid Abatement Agreement](#) and [2023 Amendments to Tennessee State-Subdivision Opioid Abatement Agreement](#)), legislation ([Public Chapter 491](#), [2023 Senate Bill 0637](#))<sup>2</sup>

## Key Takeaways

**Default allocation.** Tennessee uses the national settlement agreements' default allocation scheme, which allocates 70% of a state's funds to an abatement account devoted solely to future opioid remediation uses and splits the remaining 30% evenly between the state and local governments.<sup>3</sup>

**Tennessee Opioid Abatement Fund (Fund) & Council.** The Tennessee Opioid Abatement Council directs disbursements from the Fund,<sup>4</sup> and Fund monies must be spent on forward-looking remediation uses and related administrative expenses.<sup>5</sup> A portion of Fund monies will be available to community groups through a competitive grant process.<sup>6</sup>

**Public reporting.** Tennessee's legislation and agreements do not require public reporting of the state's opioid settlement expenditures.<sup>7</sup> However, the Abatement Council is required to annually report the Fund's disbursements and expenditures to the legislature,<sup>8</sup> and these reports are available on the Abatement Council's [website](#).<sup>9</sup>

## Background

*This resource is current as of 5/12/2023. For the most up-to-date information, please visit <https://www.opioidsettlementtracker.com/settlementspending>.*

Tennessee is one of a handful of states to use the national settlement agreements' default "three-bucket" allocation scheme.<sup>10</sup> Seventy percent (70%) of the state's settlement funds are allocated to the Opioid Abatement Fund for prospective opioid remediation uses,<sup>11</sup> and the remaining 30% is split evenly between the state and subdivision shares.<sup>12</sup> [State law](#) creates the [Opioid Abatement Council](#) (Abatement Council),<sup>13</sup> establishes the Opioid Abatement Fund (Fund),<sup>14</sup> and restricts the use of Fund monies.<sup>15</sup> The [state-subdivision agreement](#) (Agreement), [amendments](#) to the Agreement, and [Tennessee Opioid Settlements Guide for Local Governments](#) (Guide for Local Governments) provide additional spending rules for the state's and subdivisions' 15% shares.<sup>16</sup>

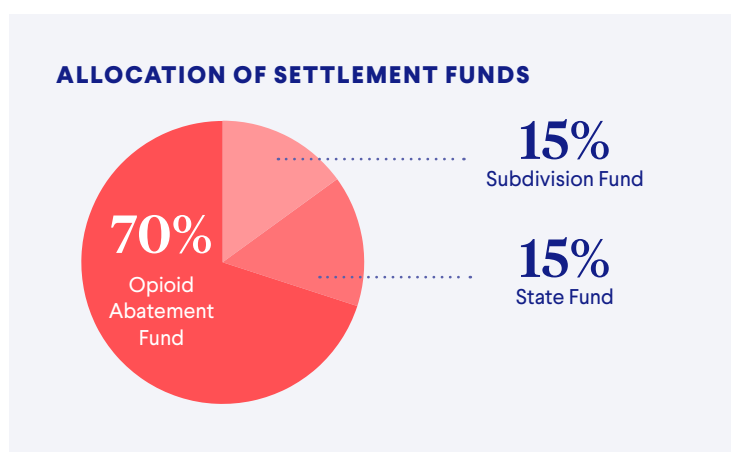


## Background

(Continued)

The national settlement agreements' provisions regarding the use of settlement funds (and attorneys' fees) apply directly to Tennessee,<sup>17</sup> including the requirement that at least 70% of funds be used on prospective opioid remediation uses as defined by [Exhibit E](#).<sup>18</sup> However, state law requires that Fund monies be spent on a state-specific subset of prospective Exhibit E remediation and abatement programs selected by the Abatement Council,<sup>19</sup> and its list is available [here](#).<sup>20</sup>

## Decision-Making Process



### 70% OPIOID ABATEMENT FUND

[State law](#) establishes the Opioid Abatement Fund (Fund) to house the state's 70% abatement share.<sup>21</sup> The Fund is administered by the state treasurer,<sup>22</sup> but the Abatement Council ultimately controls disbursement decisions.<sup>23</sup> Fund monies must only be used on prospective remediation uses and administrative expenses;<sup>24</sup> reimbursement uses are explicitly prohibited.<sup>25</sup> These prospective remediation uses must derive from a list of strategies specifically approved by the Abatement Council.<sup>26</sup> The Abatement Council's list – which guidance indicates has “largely adopted” the national settlement agreements' Exhibit E<sup>27</sup> – is available [here](#). The Abatement Council must also create a process for government entities to certify the use of Fund monies on approved programs.<sup>28</sup>

Sixty-five percent (65%) of Fund monies (45.5% of the state's total) are allocated to the Abatement Council for distribution to statewide, regional, and local remediation purposes.<sup>29</sup> Prior to rendering its decisions on disbursing Fund monies, the Abatement Council must receive input from the [Department of Mental Health and Substance Abuse Services' needs assessment](#) and allow for public comment from community stakeholders, localities, public health officials and advocates, law enforcement, the judiciary, service providers, and other interested parties.<sup>30</sup> The Abatement Council announced a competitive grant application process to disburse at least part of this share.<sup>31</sup> The remaining 35% of Fund monies (24.5% of the state's total) are allocated by formula to participating counties for [prospective](#)



## Decision- Making Process

(Continued)

[abatement programs](#) approved by the Abatement Council.<sup>32</sup> Each county retains decision-making authority over its funds.<sup>33</sup> The list of Fund payments to counties may be found in [Attachment E](#) and [here](#).<sup>34</sup>

### OPIOID ABATEMENT COUNCIL

*Tennessee's [Opioid Abatement Council](#) (Abatement Council) directs disbursements from the [Opioid Abatement Fund](#),<sup>35</sup> must meet at least quarterly,<sup>36</sup> and its voting members must be experts with at least ten years of experience in overdose-related fields including but not limited to public health policy, treatment, mental health services, drug diversion, and law enforcement.<sup>37</sup> The Abatement Council's 15 [members](#) include four members appointed by the Governor (including its non-voting chair), eight members appointed by legislative leadership, two members appointed by the [Tennessee County Services Association](#), and one member appointed by the [Tennessee Municipal League](#).<sup>38</sup> The Department of Mental Health and Substance Abuse Services provides staff to the Abatement Council and makes recommendations for its Executive Director.<sup>39</sup> Members will typically serve 3-year terms,<sup>40</sup> but initial terms are for 4 or 5 years.<sup>41</sup> Members may not serve more than two consecutive terms,<sup>42</sup> and they may be removed by their appointing authorities for cause.<sup>43</sup>*

### 15% SUBDIVISION FUND

Fifteen percent (15%) of the state's settlement funds are allocated directly to participating municipalities and counties by formula.<sup>44</sup> Amounts for non-litigating municipalities with populations under 30,000 are reallocated to their participating counties.<sup>45</sup> State guidance explains that localities should use this share for opioid remediation uses as defined by [Exhibit E](#).<sup>46</sup> However, the guidance also notes that localities may use these funds to cover attorneys' fees and litigation costs or as reimbursements for past remediation expenditures,<sup>47</sup> provided that localities report certain uses to settlement administrators.<sup>48</sup> The list of subdivision allocation percentages for this share may be found in [Exhibit G](#).

### LOCAL SPENDING EXAMPLES

Hamilton County spent a portion of its funds to hire a data analyst to research and determine areas of greatest need for abatement funds.<sup>49</sup> Nashville will spend initial funds on improving early diagnosis and detection of substance use disorder, linking people to care, and retaining people in the recovery process.<sup>50</sup>



## Decision- Making Process

(Continued)

### 15% STATE FUND

The remaining 15% of state settlement funds are directed to the state's general fund for allocation according to the regular budgeting process.<sup>51</sup> Although state guidance provides that these funds are for opioid remediation and that "it is anticipated" that they will be used on future opioid abatement expenses,<sup>52</sup> they may also be spent on reimbursements for past remediation expenditures, attorneys' fees, and litigation costs.<sup>53</sup>

## Tracking Funds and Accountability

- Tennessee's legislation and agreements do not include any requirements to publicly report opioid settlement expenditures or enforcement provisions to address misspent funds.<sup>54</sup> However, the Abatement Council is required to annually report the Fund's disbursements and expenditures to the legislature,<sup>55</sup> and these reports are available on the Abatement Council's [website](#).<sup>56</sup>
- The Abatement Council's [annual report](#) and financial statements are subject to annual audit by the Comptroller of the Treasury; Fund monies distributed to local governments are also subject to audit.<sup>57</sup>
- The Abatement Council's records are subject to the state's [public records law](#).<sup>58</sup> Abatement Council meetings are generally subject to Tennessee's [open meetings law](#), but the Abatement Council may convene a closed session in certain cases.<sup>59</sup>
- The Abatement Council's meeting minutes are maintained by the Department of Mental Health and Substance Abuse Services and available to the public.<sup>60</sup>

## Engaging in the Process

- Guidance from the state Attorney General puts localities on notice that "members of the media, public interest groups, and others" may inquire about their use of opioid settlement funds.<sup>61</sup> So, inquire!
- Fill out [this form](#) to join the Abatement Council's mailing list or to submit other inquiries.
- Bookmark [this page](#) of the Abatement Council's website, where future funding opportunities open to community will be posted. Mary Shelton, the Council's Executive Director, said the application portal will be live in Fall 2023.<sup>62</sup>
- Attend Abatement Council meetings. Future meeting dates and virtual attendance information is posted on the Council's [website](#). Past meeting recordings, presentations, and minutes are available at the same site: scroll down to the "Previous Meetings" drop-down.



## Engaging in the Process

(Continued)

- Watch for opportunities to provide input on spending decisions: prior to rendering decisions on spending, the Abatement Council must receive input from the Department of Mental Health and Substance Abuse Services' [needs assessment](#) and allow public comment from community stakeholders, localities, and other interested parties.<sup>63</sup>
- Review resources related to “second wave” settlements with Allergan, Teva, CVS, Walgreens, and Walmart. Summaries for [counties](#) and [municipalities](#) are available [here](#).
- The Abatement Council's website lists organizations open to community partnerships. From the [Our Work](#) section of the site, scroll to the “More Information” drop-down to see a list of those organizations.
- Check out Community Education Group's [Appalachia Opioid Remediation \(AOR\) Local Opioid Settlement Spending Database](#) and sign up for their AOR email alerts [here](#). CEG's AOR initiative provides opioid settlement spending updates from the 13 states of Appalachia.<sup>64</sup>

## Additional Resources

### **DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES** *[FY2023-FY2025 Three-Year Plan](#)*

#### *[Data Dashboard](#)*

#### **TENNESSEE OPIOID ABATEMENT COUNCIL** [🔗](#)

#### *[Meeting Schedule](#)*

#### *[Contact Us](#)*

#### *[Presentation to the Tennessee County Services Association \(January 2023\)](#)*

#### **TENNESSEE OFFICE OF THE ATTORNEY GENERAL**

#### *[Opioid Settlements](#)*

#### *[Opioid Settlement FAQs for Tennessee Subdivisions](#)*

#### **TENNESSEE MUNICIPAL LEAGUE**

#### *[New state opioid abatement council takes first steps with settlement money](#)*

#### **UNIVERSITY OF TENNESSEE'S INSTITUTE FOR PUBLIC SERVICE**

#### *[Substance Misuse and Addiction Resource for Tennessee](#)*



## References

*Last updated May 12, 2023.*

1. From settlements with distributors McKesson, AmerisourceBergen, Cardinal Health and manufacturer Johnson & Johnson only. Tennessee 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 "Tennessee" for state-specific participation information) and OpioidSettlementTracker.com's [Global Settlement Tracker](#) for more information.
2. "While there are now seven separate settlement agreements addressing nine companies, the same basic structure and allocation of funds applies to all of them." Guide for Local Governments II. Tennessee state law describes its Opioid Abatement Fund as the "designated repository" of all funds "either dedicated to opioid abatement or remediation or are otherwise directed to abatement or remediation and that are received by the state pursuant to a judgment on opioid-related claims, a recovery in bankruptcy on opioid-related claims, or a settlement of opioid-related claims." Tenn. Code Ann. § 9-4-1304. The state's original state-subdivision agreement applied only to settlements with Distributors, Janssen, Purdue, and Mallinckrodt, Agreement II, III, V.A, but with the 2023 Amendment, the Agreement will also apply to settlements with Allergan, CVS, Teva, Walgreens, Walmart, and Endo (see Amendment 1, 3). State law was [recently amended](#) to address these settlements as well. 2023 Senate Bill 0637. See also Guide for Local Governments VI ("With amendments to the opioid settlement statutes to extend the statutes to the new agreements, the allocation of funds for these national agreements will be the same as with the initial settlements"). 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. Agreement III.A.
4. Tenn. Code Ann. § 9-4-1302(c). See also Tenn. Code Ann. § 9-4-1303(c).
5. Tenn. Code Ann. § 9-4-1302(a).
6. Department of Mental Health & Substance Abuse Services' [2/24/2023 press](#). See also Guide for Local Governments II.A(2).
7. See OpioidSettlementTracker.com's "[States' Initial Promises to Publicly Report Their Opioid Settlement Expenditures.](#)"
8. Tenn. Code Ann. § 33-11-105(b).
9. See [Fiscal Year 2021-2022 Annual Report](#) ("During FY2022, the following disbursements occurred: \$282,600 to [\[Mental Health and Substance Abuse Services\]](#) to support administrative staff. No funds were spent as the Director had not started employment with TDMHSAS").
10. "[A]llocation among the three Tennessee sub-funds shall remain the same as with the default provision: 15% to the State Fund, 70% to the Abatement Accounts Fund, and 15% to the Subdivision Fund." Agreement III.A. "This Agreement replaces certain default provisions in specified State Opioid Settlement Agreements and Joint Abatement Bankruptcy Plans. Certain default provisions are also replaced by the 2021 Legislation and consent judgments will be filed for State Opioid Settlement Agreements. Thus, there will be multiple sources of authority for the application of each settlement agreement or bankruptcy plan. While parts of the 2021 Legislation are described in this Agreement, such descriptions do not supersede the statutory language, which is controlling." Agreement II.
11. Agreement III.D(1); Tenn. Code Ann. §§ 9-4-1301(a), 9-4-1302(a).
12. Agreement III.A, III.C, III.E.
13. Tenn. Code Ann. § 33-11-103(a).
14. Tenn. Code Ann. § 9-4-1301(a).
15. Tenn. Code Ann. § 9-4-1302(a) ("Funds in the opioid abatement fund shall be spent only for the following purposes: (1) Prospective opioid abatement and remediation; (2) Expenses incurred in administering and operating the opioid abatement council; (3) Related expenses as provided in § 33-11-104(b); and (4) Expenses associated with administering, investing, and disbursing funds held in the opioid abatement fund.")



## References

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16. “While the 2021 legislation set out much of the structure for the allocation of settlement funds in Tennessee, additional details were addressed in the Tennessee State-Subdivision Opioid Abatement Agreement. ... The agreement sets out the formula for allocating the counties’ share of the Opioid Abatement Fund payments. It also applies the 35% county allocation to certain funds paid into the trust fund from companies that have filed for bankruptcy.” Guide for Local Governments II.C.
17. Agreement III.B, F. See *Distributor and Janssen Settlement Agreements IX* (“Additional Restitution”).
18. Guide for Local Governments II.A(2) (“The settlement agreements all devote the largest share of money to a fund restricted to future abatement. In the initial agreements, it is called the Abatement Accounts Fund, though the name is slightly different in some of the new agreements. In Tennessee, payments are placed in the Tennessee Opioid Abatement Fund”). See also Guide for Local Governments IV.A(4).
19. Tenn. Code Ann. §§ 33-11-103(r), (s)(1).
20. “[T]he Opioid Abatement Council largely adopted the list of remediation expenditures used in Exhibit E of the settlement agreements as approved expenditures for Abatement Fund disbursements to counties. (There are a few tweaks.)” Guide for Local Governments IV.A(4) fn 6.
21. Agreement III.D(1), VI.A; Tenn. Code Ann. §§ 9-4-1301(a)-(b), 9-4-1304.
22. Tenn. Code Ann. § 9-4-1301(b).
23. Tenn. Code Ann. § 9-4-1302(c). The commissioner of finance and administration, state treasurer, and chair of the Opioid Abatement Council serve as trustees of the Opioid Abatement Fund. Tenn. Code Ann. § 9-4-1303(a). The trustees role is ministerial; they have no discretion regarding disbursement of the funds. Tenn. Code Ann. § 9-4-1303(c) (“To the extent not prohibited by law, the trustees shall not act contrary to the direction of the opioid abatement council and shall uphold the decisions the council renders regarding disbursement of funds from the opioid abatement fund.”) The trustees may adopt policies regarding investment of monies in the Fund. Tenn. Code Ann. § 9-4-1305(a).
24. Tenn. Code Ann. §§ 9-4-1302(a), 33-11-105(a). See also Tenn. Code Ann. § 33-11-103(h)(3) (“All actual and necessary expenses incurred in the performance of members’ official duties shall be paid from the opioid abatement fund and not the general fund”).
25. Tenn. Code Ann. § 9-4-1302(b) (“Funds in the opioid abatement fund shall not be used to reimburse expenditures incurred prior to May 24, 2021. Funds from the opioid abatement fund shall not be used to pay litigation costs, expenses, or attorney fees arising from the enforcement of legal claims related to the opioid epidemic”).
26. Tenn. Code Ann. §§ 33-11-103(r), (s)(1).
27. “There are a few tweaks.” Guide for Local Governments IV.A(4) fn 6.
28. Tenn. Code Ann. § 33-11-103(s)(2).
29. Tenn. Code Ann. § 33-11-103(p). Monies are disbursed according to the direction and discretion of the Opioid Abatement Council. Tenn. Code Ann. §§ 9-4-1302(b), 33-11-105(a).
30. Tenn. Code Ann. § 33-11-105(a).
31. Department of Mental Health & Substance Abuse Services’ [2/24/2023 press](#). See also Guide for Local Governments II.A(2).
32. Tenn. Code Ann. §§ 33-11-103(p)-(r); Guide for Local Governments II.A(2). See also Tenn. Code Ann. § 33-11-103(q) (describing allocation formula used to distribute 35% of Fund monies to participating counties); Agreement Exhibit A (“County Allocation for Opioid Abatement Fund”); Guide for Local Governments IV.B(1) (“The 35% share of the funds directed to the counties is allocated among those counties based on a Tennessee-specific formula set out in Exhibit A of the State-Subdivision Agreement. ... Thus, the percentages for each county are different than those used for the Subdivision Fund payments, which are based on a national formula and have shares for certain municipalities,” and “will change over time”). The Abatement Council also has “the authority to create an application and certification process for counties applying for funds toward programs not on the council’s list of approved programs.” Tenn. Code Ann. § 33-11-103(s)(3).
33. Guide for Local Governments II.A(2).
34. The Abatement Council may require counties’ monies to revert back to the Fund if not used within a certain amount of time. Tenn. Code Ann. § 33-11-103(5).
35. Tenn. Code Ann. § 9-4-1302(c). See also Tenn. Code Ann. §§ 9-4-1303(c), 33-11-105(a).
36. Tenn. Code Ann. § 33-11-103(i).



## References

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37. Tenn. Code Ann. § 33-11-103(b) (“Voting members must be residents of this state and have expertise and a minimum of ten (10) years of experience in public health policy, medicine, substance use disorder and addiction treatment, mental health services, drug misuse prevention programs, or drug court diversion or other programs in which people with substance use disorders interact with first responders, law enforcement, or the criminal justice system.”)
38. Tenn. Code Ann. § 33-11-103(c). [Dr. Stephen Loyd](#) serves as Abatement Council Chair. Guide for Local Governments III. The Commissioner of Mental Health and Substance Abuse Services or their designee serves as a non-voting member as well. Tenn. Code Ann. § 33-11-103(b).
39. Tenn. Code Ann. § 33-11-104(a)(1). “The director’s salary and compensation shall be paid from the opioid abatement fund, as shall the salaries and compensation of other council staff and department employees the commissioner deems necessary to administer the council. ... New or additional department costs and all expenditures related to the council shall be paid from the opioid abatement fund and not the general fund.” Tenn. Code Ann. § 33-11-104(b).
40. Tenn. Code Ann. § 33-11-103(e) (“terms end[] on June 30 of each year. The beginning of an initial term shall be deemed to be July 1 of the calendar year in which the appointment occurs, regardless of whether the actual appointment date occurs before or after July 1 of that year.”)
41. Tenn. Code Ann. § 33-11-103(d) (“Upon creation of the council, the members appointed [by legislative leadership] shall serve an initial four-year term and the members appointed [by county and municipal associations] shall serve an initial five-year term to enable the staggering of terms.”)
42. Tenn. Code Ann. § 33-11-103(b) (however members “may be reappointed to the council after not serving as a member for two (2) or more years.”)
43. Tenn. Code Ann. § 33-11-103(f) (cause includes the “failure to attend at least one-half (1/2) of the scheduled meetings in any one-year period.”)
44. Agreement III.E(1).
45. “Counties and qualifying municipalities receive payments from the Subdivision Fund.” Agreement III.E(1)-(2). “Whether a municipality qualifies for direct payments is generally dependent on its size and litigating status. For example, all municipalities with populations of 30,000 or more are qualifying municipalities.” Guide for Local Governments II.A(1). *See also* Amendment 2.
46. Guide for Local Governments II.A(1) (“the money is to be used for opioid remediation, as that term is defined in the settlement agreements”); IV.A(4) (“The rules concerning how settlement funds may be used are different for the direct payments from the Subdivision Fund and the county disbursements through the Opioid Abatement Council from the Opioid Abatement Fund. The restrictions on the direct payments from the Subdivision Fund are set out in the settlement agreements. (For the disbursements flowing through the Opioid Abatement Fund, state statutes and other restrictions apply.) Both the Distributor and J&J/Janssen settlement agreements state that the parties to the agreement intend for ‘Settlement Fund’ payments to be used for ‘Opioid Remediation,’ and ... [t]he definition of ‘Opioid Remediation’ is substantially the same in both agreements.”)
47. Guide for Local Governments IV.A(4) (“The allowance for Subdivision Fund payments to be used as ‘reimbursement’ for past remediation expenditures potentially provides flexibility in the use of those funds for subdivisions that have had such past expenditures[, but] the flagging of this language regarding the use of settlement funds ... should not be viewed as encouraging the use of settlement payments for non-opioid abatement purposes. Given the resources needed to address the opioid crisis in the state, the Attorney General’s Office encourages subdivisions to use all funds to expand and add to remediation and abatement efforts. Under the settlement agreements, it is also possible to pay attorneys’ fees and litigation expenses from the Subdivision Fund payments, though the settlements include separate fee and costs funds so this should not be necessary.”)
48. Section V.B.2 of the *Distributor* and *Janssen* settlement agreements. *See also* Guide for Local Governments IV.A(5) (“There is a limited reporting requirement for Subdivision Fund payments, which is being administered by the national Directing Administrator, BrownGreer. ... What clearly must be reported is any expenditure for attorneys’ fees or litigation costs paid for out of the Subdivision Fund payments”).
49. [“Hamilton County uses opioid abatement settlement funds to hire data analyst”](#)
50. [Nashville Mayor’s 3/10/2022 press.](#)
51. Agreement III.C (“The 15% State Fund shall be directed to the State’s general fund unless directed to the Tennessee Opioid Abatement Fund by future legislation”). *See also* Guide for Local Governments II.A(3) (describing deposit into general fund as a certainty).





## References

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52. Guide for Local Governments II.A(3).
53. Cf. Tenn. Code Ann. § 9-4-1302(b) (“Funds in the opioid abatement fund shall not be used to reimburse expenditures incurred prior to May 24, 2021. Funds from the opioid abatement fund shall not be used to pay litigation costs, expenses, or attorney fees arising from the enforcement of legal claims related to the opioid epidemic”).
54. See OpioidSettlementTracker.com’s [“States’ Initial Promises to Publicly Report Their Opioid Settlement Expenditures.”](#)
55. Tenn. Code Ann. § 33-11-105(b).
56. See [Fiscal Year 2021-2022 Annual Report](#) (“During FY2022, the following disbursements occurred: \$282,600 to [\[Mental Health and Substance Abuse Services\]](#) to support administrative staff. No funds were spent as the Director had not started employment with TDMHSAS”).
57. Tenn. Code Ann. § 33-11-103(l).
58. Tenn. Code Ann. § 33-11-103(k).
59. Tenn. Code Ann. § 33-11-103(j).
60. Tenn. Code Ann. § 33-11-103(m). [SB 1394](#), which appears to have stalled, would require the Abatement Council to post its meeting minutes to the Department of Mental Health and Substance Abuse Services’ website.
61. Guide for Local Governments IV.A(5).
62. [“Applications for TN opioid settlement funds expected to open in the fall”](#)
63. Tenn. Code Ann. § 33-11-105(a).
64. AL, GA, KY, MD, MS, NY, NC, OH, PA, SC, TN, VA, WV.