



Total Funds

\$266 million¹

Allocation

50% to the state and 50%
to local governments

Mechanism

Allocation agreement between
the state and local governments
([One Utah Opioid Settlement
Memorandum of Understanding](#)),
legislation ([Utah Code § 51-9-801](#))

Key Takeaways

50-50 allocation. The [One Utah Opioid Settlement Memorandum of Understanding](#) (MOU) divides Utah's opioid settlements 50-50: half to the state, to sit in the Opioid Litigation Settlement Restricted Account created by state law,² and half directly to [participating local governments' counties](#).³

Opioid Settlement Advisory Committee (OSAC). OSAC offers guidance not only on the state portion of funds but on opioid remediation priorities broadly, including those of local governments. OSAC's [Utah Opioid Crisis Response Blueprint](#) contains [expert recommendations](#) and results from a public priorities [survey](#) that may be applicable to state or local policymakers.

Public reporting. The state and participating local governments must annually publish a report detailing allocations from their shares online. This report must include a list of recipients, distributed amounts, programs funded, and disbursement terms.⁴

Background

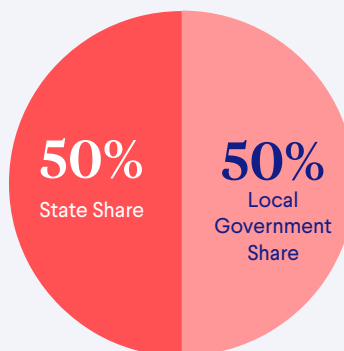
This resource is current as of 4/11/2023. For the most up-to-date information, please visit <https://www.opioidsettlementtracker.com/settlementspending>.

The [One Utah Opioid Settlement Memorandum of Understanding](#) (MOU) splits opioid settlement funds 50/50 between the state and local governments,⁵ and [state law](#) establishes the Opioid Litigation Settlement Restricted Account to house the state's share of settlement funds.⁶ Except for costs related to attorney fees, and regardless of allocation, all funds must be spent on "Approved Uses"⁷ such as those related to prevention, harm reduction, and treatment.⁸



Decision- Making Process

ALLOCATION OF SETTLEMENT FUNDS



50% STATE SHARE

The state share of funds is deposited into the Opioid Litigation Settlement Restricted Account for appropriation by the state legislature.⁹ The Utah Opioid Task Force’s 17-member [Opioid Settlement Advisory Committee](#) (OSAC) is tasked with providing guidance on effective uses of opioid settlement funds to state and local leaders, and is composed of experts from a range of fields related to the overdose crisis (e.g., public health, harm reduction, justice system, pharmacy, lived experience).¹⁰ Current OSAC members can be found on the Utah Opioid Task Force’s [website](#).

The Utah Opioid Crisis Response Blueprint, produced by OSAC, is meant to “assist...state and local communities in utilizing [opioid settlement] funds.”¹¹ Thus, while the Utah Opioid Task Force, OSAC’s umbrella organization, is housed in the state Attorney General’s office, OSAC also works to support local leaders. The Blueprint lists five broad subject matter expert-recommended funding categories (prevention, treatment and recovery, harm reduction, criminal justice, and expanding needed services) and summarizes the results of two surveys circulated to experts in the field and to the public, respectively. Subject matter experts and the public identified treatment and recovery as the area in most need of investment and harm reduction as least in need of investment. The Blueprint analysis broke out the responses of subject matter experts with lived experience, and this group identified naloxone distribution programs as most in need of investment.



Decision- Making Process

(Continued)

50% LOCAL GOVERNMENT SHARE

The local government share of settlement funds is distributed directly to each settling county according to [Exhibit B](#) of the MOU (see [settlement estimates by county](#)).¹² Funds may be distributed among a county and its constituent municipalities “in any manner they choose,”¹³ including aggregating funds with surrounding counties or municipalities to provide combined services.¹⁴ County legislative bodies (i.e., council or commission) have final say over how these shares are spent.¹⁵ Settling local governments must file two plans annually: their proposed spending plans, including amounts and uses, on or before May 30 of each year,¹⁶ and, by June 30, details of actual spending.¹⁷

LOCAL PLANNING EXAMPLE

Summit County’s Director of Behavioral Health and County Attorney [advised](#) the County Council to approve the appointment of the Behavioral Health Advisory Council as the lead agency responsible for implementing the County’s opioid settlement funds and drafting the reports for the settlement administrator mandated by the MOU.¹⁸

Tracking Funds and Accountability

- The state and participating local governments must annually publish a report detailing allocations from their shares online. This report must include a list of recipients, distributed amounts, programs funded, and disbursement terms.¹⁹
- The state and participating local governments may hold each other responsible for spending inconsistent with the MOU by requesting documentation from the suspect party.²⁰ If it appears that funds have been misspent after the documentation is reviewed, the parties may pursue the matter in court.²¹ If funds have indeed been misspent, the court may prohibit the suspect party from spending opioid funds on non-Approved Uses and require misspent funds to be returned.²² 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

- Track updates to county websites: each settling party, which includes local governments and the state, must publish annually a spending report on their website.²³
- The [Blueprint](#) produced by OSAC is meant to guide local and state policymakers as they decide how to allocate opioid settlement funds. The Blueprint encourages policymakers to gather community input, including administering a survey. Encourage your local government to take up the Blueprint's recommendations to seek community input, and then contribute your perspective!²⁴
- Take OSAC's [survey](#). 1,300 early responses informed the March 2022 version of the Blueprint. Subsequent responses may be included in future versions of the Blueprint,²⁵ which is considered a "working document."²⁶

Additional Resources

UTAH ATTORNEY GENERAL

[Utah Opioid Task Force](#)

[Utah Opioid Crisis Response Blueprint](#)

UTAH ASSOCIATION OF COUNTIES

[Opioid Settlement Resources \(includes opioid settlement payment estimates by county\)](#)

[Opioid Settlement 101](#)

UTAH DEPARTMENT OF HEALTH

[Opioid Data Dashboard](#)



References

Last updated April 11, 2023.

1. From settlements with distributors McKesson, AmerisourceBergen, Cardinal Health and manufacturer Johnson & Johnson only. Utah 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 "Utah" for state-specific participation information) and OpioidSettlementTracker.com's [Global Settlement Tracker](#) for more information.
2. MOU 4.1 and Utah Code Sec. 51-9-801.
3. MOU 3.2-3.3.
4. MOU 7.6.
5. MOU 3.2-3.3.
6. Utah Code Sec. 51-9-801. While Utah's MOU is limited by its definitions to the Distributor and Janssen Settlements (see MOU 2.4), state law establishing the restricted account encompasses proceeds from "any judgment, settlement, or compromise of claims pertaining to alleged violations of law related to the manufacture, marketing, distribution, or sale of opioids." See Sec. 51-9-801(3) (a) (subsection (b) extends this to multistate judgments, settlements, or compromises of claims). 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.
7. MOU 3.1.
8. The MOU defines Approved Uses as the list of uses set out in its [Exhibit A](#), which is identical to the Distributor and Janssen Settlement Agreements' [Exhibit E](#). MOU 2.2. Administrative expenses from both shares are capped at 1%, per MOU 7.4.
9. Utah Code Sec. 51-9-801(4).
10. [Utah Opioid Crisis Response Blueprint](#)
11. [Utah Opioid Crisis Response Blueprint](#)
12. MOU 4.2.
13. MOU 5.1.
14. "Counties can combine their funds with surrounding counties or municipalities to provide combined services in the region." See Utah Assoc. of Counties' [Opioid Settlements 101](#).
15. See "Who gets the final say in how to spend the funds?" Utah Assoc. of Counties' [Opioid Settlements 101](#).
16. MOU 7.2.
17. MOU 7.3.
18. MOU 7.2 and 7.3.
19. "At least annually, each Settling Party ["the State and any Local Governments which accept a Settlement," per MOU 2.13] shall publish on its website a report detailing for the preceding year (1) the amount of Settlement Funds received, and (2) the allocation of any distributions from the Settling Party's Settlement allocation (listing the recipient, the amount distributed, the program funded, and disbursement terms)." MOU 7.6.
20. MOU 7.7-7.8.
21. MOU 7.9.
22. MOU 7.9.
23. MOU 7.6.



References

(Continued)

24. "STEP ONE: Understand your community's needs. Conduct needs assessments and gather input from relevant stakeholders and those impacted. Explore where resources are already being directed and where more are needed.

STEP TWO: Prioritize your community's needs. Use the survey to gather community input on needs and resources. Questions for consideration:

- What's working well that needs to be scaled up?
- Which populations (by geography, age, race/ethnicity, language spoken, etc.) are most in need of these services?
- What outcomes are we interested in achieving?
- What are the priorities of the community members?
- What resources are already available for each investment domain?"

[Utah Opioid Crisis Response Blueprint](#)

25. See, e.g., <https://www.surveymonkey.com/r/8T6GWX3>: "The survey asks questions about your connections to the opioid crisis and about your insights on how it should be addressed. Your answers will be used to help identify strategies to reduce the harms caused by Utah's opioid crisis."

26. [Utah Opioid Crisis Response Blueprint](#)