



# Daily Journal

## Demanding Accountability for the Opioid Crisis

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July 13, 2024

Over the past several years, my office has entered into settlements with more than a dozen companies that played a part in creating and amplifying the opioid crisis. These include manufacturers, distributors, pharmacy chains, and even companies that created the marketing plans that fed the epidemic. In total, these lawsuits will bring over \$367 million over eighteen years to Mississippi to help us repair the damage from opioids and mitigate future damage with prevention, treatment, and education.

Learning from the tobacco litigation from years ago, the defending parties built into several of these settlements what they call incentives; but which are more aptly called clawbacks. If Mississippi did not achieve several benchmarks the companies would take back some of the State's money. I am pleased to say that Mississippi was able to meet these benchmarks and we did so by creating a plan and by pursuing it strategically.

First, we worked with local governments across the State, as defined by the various settlements, to join the final settlements. Without the cooperation of these municipalities and counties, Mississippi would not be getting the full \$367 million.

Second, we created a two-prong proposal to meet the abatement requirements in these settlements. In several of the settlement agreements if a vast majority of the funds were not used for projects related to addressing the opioid epidemic, then the clawback would kick in. The abatement parameters were broad, with examples ranging from projects related to training health care professionals to diagnose and treat opioid abuse disorders, providing law enforcement with tools to address opioid-related crimes, and educating the public on the dangers of opioid abuse. But, let me be clear: under at least eight of the settlement agreements, companies can challenge our use of abatement funds and take the money back from the State. And when they take it back, it goes back to the company, not to some alternate abatement projects.

Ensuring Mississippi got its full funding due was our top priority, so we proposed that the Legislature divide the abatement funds from these eight settlements roughly in half. The first half of the funds would go to the University of Mississippi Medical Center to create and run the Center for Addiction Medicine – a project that clearly checks the boxes for these settlements. The other half would become an annual grant program through which a committee established by the Legislature would distribute funds to projects that also meet the abatement requirements around the State.

The Center for Addiction Medicine would be a state-of-the-art program to train medical professionals and conduct research on addiction, from the causes to the treatments – all the knowledge we need to prevent more deaths from opioids and other addictive products. Early funds for this project would start an endowment so that the Center can be self-sustaining and run long after the settlement dollars stop coming. The value in lives saved by the Center for Addiction Medicine is impossible to calculate, but it would also cement Mississippi as a national leader in addiction medicine. Our State would be the place where people come to learn how to help others beat opioid addiction.

The grant program would be administered by a committee of individuals who have a part in addressing opioids, including sheriffs; police chiefs; fire chiefs; local government leaders; the Departments of Mental Health and Health; and representatives appointed by the Governor, Lieutenant Governor, and Speaker of the House. My office would manage the fund to ensure compliance with those clawback provisions. Again, our top priority is ensuring that none of Mississippi's funds revert back to those we sued and that these dollars go toward helping Mississippi address the opioid epidemic in every way possible.

Funds have started to come to the State from some of these settlements. Some of the funds, those not encumbered by the abatement requirements, we have sent to the Legislature for the General Fund. Yet, millions of abatement dollars that have started to come in and still await distribution. The transfer of funds from the Attorney General's Contingent Fund is an easy transaction within the State books and it disrupts no other parts of the State budget.

This year, we asked the Legislature to at the very least start the transfer of funds for the Center for Addiction Medicine's endowment, and they did take the first small step toward implementing this plan and distributing these funds by creating the Opioid Settlement Fund in the State budget. However, the Legislature did not authorize my office to transfer any of the settlement dollars to that Fund, so the seeds for the Center for Addiction Medicine and other abatement projects will wait another year to be planted.

In 2023, Mississippians lost more than 250 of their fathers, mothers, sisters, sons, and friends to opioid overdose. My office will continue to hold the companies that caused this suffering accountable, and it is my hope that when the Legislature convenes in January, they will take the additional steps necessary to put the rest of this plan into action and save lives.