

Opioid Abatement Board Minutes

July 15, 2022

The Opioid Abatement Board held its meeting at 1:30PM at the Oklahoma Attorney General's Office, 313 N.E. 21st St, Oklahoma City, OK. The agenda was posted on the Attorney General's website and outside the meeting room 24 hours in advance in accordance with 25 O.S. § 311. The meeting notice was sent to the office of the Oklahoma Secretary of State, also pursuant to 25 O.S. § 311, and was date-stamped by that office.

Members present: Dawn Cash, Sam Allen, Brad Clark, Lori Parish, and Dr. Atul Walia.

Call to Order and Welcome: 1:32pm

Senior Deputy Dawn Cash called the meeting to order and welcomed the group.

Roll Call, Statement of Compliance with Open Meetings Act, Recognition of a Quorum, and Adoption of 6/10/2021 Minutes: 1:33pm

Emma Sherry, Director of Legislative Affairs, called roll. Thomas Schneider, Deputy General Counsel recognized and reported there was a quorum. He confirmed that the meeting was in compliance with the Open Meetings Act. Brad Clark moved to approve the minutes from the previous meeting. Dr. Atul Walia seconded. The minutes were approved unanimously.

Litigation Update and Discussion 1:34pm

Senior Deputy Dawn Cash informed the group was initially formed in statute to distribute funds primarily from the Purdue lawsuit and additional appropriations. She stated since that time, there has been litigation filed in Bryan County since 2020 with three distributors and following the last meeting there has been an agreement in principle to settle that litigation and part of that agreement is that the original Opioid Abatement Board will distribute some of the political subdivisions. The proposed rules are drafted with this in mind and open for discussion. She emphasized that there is a deadline to decide how to allocate those new funds and included Brad Beckworth, Counsel for opioid cases to speak on the allocation model.

Presentation and review, discussion, and possible action on proposed emergency rules to authorize staff to publish the rules to OAG website for public comment 1:39pm

Deputy General Counsel Thomas Schneider presented and discussed the proposed rules to the group. Brad Beckworth then gave an overview and discussed the allocation model for the distributor settlement. He stated that the distributors had litigation against them from around 50 states and in Oklahoma there were an estimated 80 political subdivisions that sued. Mr. Beckworth stated that there were 39 primary political subdivisions that did not have claims filed

against the distributors. Mr. Beckworth announced that the expert they have worked with and hired named Dr. Chris Ruhm to testify on the abatement remedy to be received in these cases and which Dr. Ruhm was consulted on how to best allocate the money to the 39 political subdivisions. All subdivisions will have to release claims to determine a fair allocation of the funds out of 100 percent of funds allocated with subdivisions and had him at the criteria in statute to find the best equitable way to allocate the elements by studying Oklahoma data compared to national data along with size and population of subdivisions to come up with the allocation model.

Mr. Beckworth informed the group when the distributor settlement was settled, there was \$293 million that was the actual settlement amount and 75% goes to the State of Oklahoma and 25% goes to the litigating political subdivisions. Following the July 15 board meeting, the 39 primary subdivisions will need to sign releases and it will be explained that it is recommend that the allocation model be adopted, and the subdivisions will them potential receive an X amount of money.

He stated that the deadline in the settlement agreement is September 22 to have releases done and if all goes well the funds would potentially be in by early January.

Brad Clark made a motion to authorize staff to publish such proposed emergency rules to the OAB webpage within the Office of the Attorney General website for public comment and to also set a deadline for public comment set for no later than Wednesday, August 3, 2022. Sam Allen seconded. The motion passed unanimously.

Upcoming meeting announcement 1:59

Dawn Cash announced that there will be a special meeting on August 5th. Following the special meeting there are two regular scheduled meetings on August 12 and September 9.

Adjournment 2:05pm

Brad Clark made a motion to adjourn. Lori Parish seconded. The motion passed unanimously. The meeting adjourned at 2:05PM.