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Moraga participates in opioid settlement agreement

By Vera Kochan

Moraga Police Chief Jon King and Assistant Town Attorney Denise Bazzano informed the town council in a staff report during its Dec. 8 meeting about a multi-jurisdictional, national lawsuit begun in 2017, directed against opioid distributors such as AmerisourceBergen, Cardinal Health and McKesson along with manufacturers Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively "Janssen").

Opioid abuse, addiction, overdose and death in the United States has become an increasing crisis in recent years. According to the www.drugabuse.gov website: "Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone (OxyContin), hydrocodone (Vicodin), codeine, morphine, and many others."

The website explains, "All opioids are chemically related and interact with opioid receptors on nerve cells in the body and brain. Opioid pain relievers are generally safe when taken for a short time as prescribed by a doctor, but because they produce euphoria in addition to pain relief, they can be misused (taken in a different way or in a larger quantity than prescribed, or taken without a doctor's prescription). Regular use - even as prescribed by a doctor - can lead to dependence and, when misused, opioid pain relievers can lead to addiction, overdose incidents, and deaths."

In July 2021, the National Prescription Opiate Litigation (U.S.D.C. Case No.1:17-CV-2804) nationwide settlement, brought on by various states and subdivisions, came to an agreement requiring the distributors to pay nearly \$21 billion and the manufacturers to pay approximately \$5 billion. About \$2.4 billion of the settlements will be directed to California and its subdivisions.

If Moraga decides to opt in to the Settlement Agreements, it could receive between \$59,668 to \$72,800 which will be paid out over 18 years beginning as early as April 2022.

The staff report states, "Under the Settlement Agreements, all of the proceeds received by non-litigating entities, such as Moraga, must be spent on activities to abate the impacts of the opioid crisis such as: providing matching funds for operating costs for Substance Use Disorder (SUD) facilities; creating new or expanded SUD treatment infrastructure; addressing the needs of vulnerable populations that are disproportionately impacted by SUD; preventing addiction in vulnerable youth; and preventing overdose deaths and other harms through increased availability and distribution of naloxone and other drugs that treat overdoses."

"Naloxone is a medicine that rapidly reverses an opioid overdose," explains the Drug Abuse website. "It is an opioid antagonist. This means that it attaches to opioid receptors and reverses and blocks the effects of other opioids. Naloxone can quickly restore normal breathing to a person if their breathing has slowed or stopped because of an opioid overdose. Naloxone can be given as a nasal spray or it can be injected into the muscle, under the skin, or into the veins."

If the town opts into the Settlements prior to Jan. 2, it must notify the fund administrator whether it requests a direct payment or whether the payments are to be allocated to the county at least 60 days prior to the payment date in the agreement. Direct receipt of the funds will require the town to account for its usage with annual written reports.

One area where the funds could be put to good use would be to educate students about the dangers of opioid addiction. Another would be to continue with officer training in the use of naloxone in the emergency response of an opioid overdose. "Our officers already carry naloxone," stated King. "We reached an agreement with the county health department a couple of years ago, and while we have not had to, thank goodness, use it, every officer carries it. I carry it when I'm on patrol, and there have been times in the past where it would have been very useful."

Seeing a clear benefit to participate in the Settlement Agreement, the council unanimously voted in favor of receiving the payment over an 18-year period with the option to redirect the funds to the county for use in their programs.

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