

CONSENT CALENDAR

March 9, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Ways and Means to which was referred HB 1565-FN,

AN ACT relative to the opioid abatement trust fund.

Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Patrick Abrami

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Ways and Means
Bill Number:	HB 1565-FN
Title:	relative to the opioid abatement trust fund.
Date:	March 9, 2022
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

Several years ago, an Opioid Abatement Trust Fund was established to deal with the anticipation that the many lawsuits that were being filed against drug companies and other parties would be settled. These settlement funds would go into this trust fund. At that time, the New Hampshire Opioid Abatement Advisory Commission was established as the body to be responsible for allocating 85% of the settlement funds. The other 15% of the settlement funds would go to the ten counties and 13 specific cities and towns who had filed opioid lawsuits before September 1, 2019. This bill does one major thing. It changes the 85% to 60% and the 15% to 40%. Many on the committee felt that the counties should receive more, and the 13 original cities and towns should not benefit in this way to what can become up to ten settlements. In addition, there were some on the committee who wanted to let this program get off the ground as originally outlined in statute before the legislature starts to tamper with statute that was a very delicate compromise.

Vote 21-0.

Rep. Patrick Abrami
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Ways and Means

HB 1565-FN, relative to the opioid abatement trust fund. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. Several years ago, an Opioid Abatement Trust Fund was established to deal with the anticipation that the many lawsuits that were being filed against drug companies and other parties would be settled. These settlement funds would go into this trust fund. At that time, the New Hampshire Opioid Abatement Advisory Commission was established as the body to be responsible for allocating 85% of the settlement funds. The other 15% of the settlement funds would go to the ten counties and 13 specific cities and towns who had filed opioid lawsuits before September 1, 2019. This bill does one major thing. It changes the 85% to 60% and the 15% to 40%. Many on the committee felt that the counties should receive more, and the 13 original cities and towns should not benefit in this way to what can become up to ten settlements. In addition, there were some on the committee who wanted to let this program get off the ground as originally outlined in statute before the legislature starts to tamper with statute that was a very delicate compromise. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

September 20, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Ways and Means to which was referred HB 1565-FN,

AN ACT relative to the opioid abatement trust fund.

Having considered the same, report the same: NOT RECOMMENDED FOR FUTURE LEGISLATION.

Rep. Patrick Abrami

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Ways and Means
Bill Number:	HB 1565-FN
Title:	relative to the opioid abatement trust fund.
Date:	September 20, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

The committee voted unanimously that this bill not be considered for future action. The rules for the distribution of opioid settlement money were just finalized. The committee felt that it was too soon to revise the distribution formula for the opioid abatement trust fund. Time is needed to see how the recently approved formula is working.

Vote 16-0.

Rep. Patrick Abrami
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Ways and Means

HB 1565-FN, relative to the opioid abatement trust fund.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Patrick Abrami for Ways and Means. The committee voted unanimously that this bill not be considered for future action. The rules for the distribution of opioid settlement money were just finalized. The committee felt that it was too soon to revise the distribution formula for the opioid abatement trust fund. Time is needed to see how the recently approved formula is working. **Vote 16-0.**

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 1565-FN

BILL TITLE: relative to the opioid abatement trust fund.

DATE: September 20, 2022

LOB ROOM: 202-204

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Abrami

Seconded by Rep. Almy

Vote: 16-0

Respectfully submitted,

Rep Alan Bershtein, Clerk

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on Bill # HB 1565

BILL TITLE: relative to the opioid abatement trust fund.

DATE: March 9, 2022

LOB ROOM 202-204

MOTION: (Please check one box)

- OTP ITL Retain (1st year) Adoption of Amendment #
- Interim Study (2nd year)

Moved by Rep. Abrami Seconded by Rep. Almy Vote: 21 - 0

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment #
- Interim Study (2nd year) *(if offered)*

Moved by _____ Seconded by _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment #
- Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author: Motion:

Respectfully submitted:

Alan Bershtein

Rep Alan Bershtein, Clerk



2022 SESSION

Ways and Means

Bill #: HB 1565 Motion: NJT AM #: _____ Exec Session Date: 20 SEP 2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Major, Norman L. Chairman	X		
Abrami, Patrick F. Vice Chairman	X		
Griffin, Mary E.			X
Ulery, Jordan G.	X		
Bershtein, Alan Clerk	X		
Doucette, Fred G.			X
Elliott, Robert J. <u>ARON, JUDY</u>	X		
Janigian, John C.	X		
Nunez, Hershel			X
Lang, Timothy P.			X
Spilsbury, Walter	X		
Tudor, Paul D.	X		
Almy, Susan W.	X		
Ames, Richard	X		
Southworth, Thomas L.	X		
Malloy, Dennis J.	X		
Schamberg, Thomas C.	X		
Tucker, Edith M.	X		
Gomarolo, Jennie R.	X		
Loughman, Tom J.			X
Gourgue, Amanda L.			X



**STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2022 Session - Ways and Means**

Roll Call Committee Registers Report

Title:
relative to the opioid abatement trust fund.

Bill #	HB 1565
Motion	Interm Study
Amendment #	
Exec Session Date	3/9/22
Consent Calendar?	Yes

Member	Motion / Seconded	Yea	Nay	NV
Patrick Abrami [Vice Chair]	Motion	x		
Chris True [for Mary Griffen]		x		
Jordan Ulery		x		
Fred Doucette		x		
Tim Lang				x
Alan Bershtein [Clerk]		x		
John Janigian		x		
Hershel Nunez		x		
Walter Spilsbury		x		
Scott Wallace [for Paul Tudor]		x		
Judy Aron		x		
Almy, Susan	Second	x		
Richard Ames(D)		x		
Karen Ebel [for Thomas Southworth]		x		
Dennis Malloy(D)		x		
Thomas Schamberg(D)				x
Edith Tucker(D)		x		
Jennie Gomarlo(D)		x		
Tom Loughman		x		
Matt Wilhelm [for Amanda Gourgue]		x		
Mary Hakken-Phillips(D)		x		
James Murphy(D)		x		
Norman Major [Chair]		x		
Total Vote		21		2

NH House Committee on Ways and Means
Public Hearing on: HB 1565

Date:	January 11, 2022
LOB Room:	202-204
Time Public Hearing Called to Order:	2:30 PM
Time Public Hearing Adjourned:	3:30 PM

Title: relative to the opioid abatement trust fund.

Sponsors: (Prime) Aron (R), Rollins (R), Stapleton (R), Acton (R), Mark Pearson (R), Depalma IV (R), Massimilla (D)

Committee Members: Reps. Major, Abrami, Bershtein, M. Griffin, Ulery, Doucette, Elliott, Janigian, Nunez, Lang, Spilsbury, Tudor, Almy, Ames, Southworth, Malloy, Schamberg, Tucker, Gomarlo, Loughman, Gourgue, Hakken-Phillips and Murphy

TESTIMONY

Rep Judy Aron, Sponsor:

- Introduced the bill
- New Hampshire largely followed the “70-15-15 model” recommended by the judge presiding over the national litigation in Ohio. 70% goes to the opioid abatement trust established by RSA 126-A:83 and 15% goes to the 23 political subdivisions (10 counties and 13 municipalities) that joined the national litigation prior to September 1, 2019. The default model includes a 15% share for the state; however, NH has decided to allocate its 15% portion to the trust. So currently it is 85% to the trust and 15% to the 23 political subdivisions that engaged in the original litigation.
- What I am proposing today is to make changes to that allocation in order to fix a population penalty and provide a more equitable distribution of settlement dollars to the 23 political subdivisions that represent the front lines in NH’s ongoing opioid crisis. These 23 subdivisions already have viable and successful programs that should continue to be funded to combat opioid prevention, addiction and rehabilitation.
- The population penalty that I referred to happens because of how the population is counted in the current formula. Right now, the county’s share is decreased based on the population of a city or town that also participated in the original litigation. So for example the population of Manchester and Nashua (109,565 and 86,494 respectively) are deducted from the county population of Hillsborough county (400,721) before calculating it against the total population in NH. This reduces the county’s share of the litigation award. Counties are therefore penalized because municipalities in their county joined the litigation.
- Amendment 2022-0034h attempts to make the bill more similar to a senate bill.
- The current allocation has a population penalty that adversely impacts Counties. This bill attempts to correct that penalty.

NH House Committee on Ways and Means
Public Hearing on: HB 1565

Date: January 11, 2022
LOB Room: 202-204
Time Public Hearing Called to Order: 2:30 PM
Time Public Hearing Adjourned: 3:30 PM

Title: relative to the opioid abatement trust fund.

Sponsors: (Prime) Aron (R), Rollins (R), Stapleton (R), Acton (R), Mark Pearson (R), Depalma IV (R), Massimilla (D)

Committee Members: Reps. Major, Abrami, Bershtein, M. Griffin, Ulery, Doucette, Elliott, Janigian, Nunez, Lang, Spilsbury, Tudor, Almy, Ames, Southworth, Malloy, Schamberg, Tucker, Gomarlo, Loughman, Gourgue, Hakken-Phillips and Murphy

James Boffetti, NH DOJ

- Opposes the bill
- DOJ had a handshake agreement with the 23 litigating subdivisions to allocate the proceeds from the settlement in a 15% - 85% allocation.
- It is not true to say these 23 subdivisions were on the front lines of this fight. It's not fair these subdivisions receive these funds to the exclusion of other jurisdictions.
- The Population penalty that Rep Aron spoke of is a misnomer. It prevents double counting.
- The distribution language in the bill is nonsensical.

Derek Ferland, County Manager, Sullivan County

- Supports the bill
- See testimony submitted
- The flawed distribution language contained in the bill has been corrected in the amendment.
- The "handshake deal" Mr. Boffetti spoke of is not true. There was no grand deal between the DOJ and the 23 litigating subdivisions.

Tom Mullins, City of Keane, City Attorney

- Supports the bill, as amended.
- There was no deal between the DOJ and the 23 litigating subdivisions.
- These funds are badly needed and the 40% allocation is fair.


House Remote Testify

Ways and Means Committee Testify List for Bill HB1565 on 2022-01-11

Support: 7 Oppose: 0 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Dragon, Elizabeth	Keene, NH edragon@keenenh.gov	An Elected Official	City of Keene	Support	No	No	1/5/2022 3:59 PM
Ferland, Derek	Sullivan County, NH manager@sullivancountynh.gov	An Elected Official	Sullivan County Board of Commissioners	Support	No	No	1/10/2022 8:41 AM
Schapiro, Joe	Keene, NH joe.schapiro@leg.state.nh.us	An Elected Official	Cheshire 16, Keene	Support	No	No	1/10/2022 1:53 PM
Mascio, Lissa	Concord (DOC HQ), NH LISSA.D.MASCIO@DOC.NH.GOV	State Agency Staff	Department of Corrections	Neutral	No	No	1/10/2022 3:24 PM
Drabik, Lisa	Londonderry, NH ldrabik@londonderrynh.org	A Member of the Public	Town of Londonderry	Support	No	No	1/10/2022 5:02 PM
Coates, Christopher	Cheshire County, NH ccoates@co.cheshire.nh.us	A Member of the Public	Myself	Support	No	No	1/11/2022 9:33 AM
Fenton, Donovan	Keene, NH donovanfenton@gmail.com	An Elected Official	Myself	Support	No	No	1/11/2022 9:40 AM
Milner, Judie	Franklin, NH citymgr@franklinnh.org	A Member of the Public	Myself	Support	No	No	1/11/2022 1:55 PM

Archived: Thursday, March 17, 2022 9:01:14 AM
From: [Judy Aron](#)
Sent: Thursday, January 13, 2022 11:29:46 AM
To: ~House Ways & Means Committee
Cc: [Derek Ferland](#)
Subject: Additional information for HB 1565 - Opioid abatement trust fund bill
Importance: Normal
Attachments:
[HB 1565 Opioid Trust Bill Analysis.xlsx](#) 

Dear Ways and Means committee,

Thank you for hearing testimony on this bill on 1-11-22.

I am attaching some additional information for you.

Attached is an XCEL spreadsheet that shows the political subdivisions that took part in the initial litigation and the distribution of the settlement from McKinsey. The spreadsheet also shows what the population numbers are (based on 2010 census) and the percentages to total NH population. There's also a column showing the population penalty currently in play in present statute. The spreadsheet also shows what the allocation amounts to each subdivision would be with the enactment of this bill which would end the population penalty and use a 40 percent allocation amount. As you can see in the example, there would still have been a healthy balance in the fund to be allocated to other municipalities in the state (that did not join in the initial litigation) for future grant requests. More money would have been given out to the political subdivisions to be used immediately for opioid abatement programs instead of sitting in the fund now doing nothing.

I am happy to answer any questions about this spreadsheet. It was actually composed by Derek Ferland, Sullivan County Manager.

Additionally I propose this change to the bill (HB1565):

Currently the proposed bill states:

1 Opioid Abatement Trust Fund. RSA 126-A:83, II is repealed and reenacted to read as follows:
II. Prior to any deposit in the consumer escrow account or the opioid abatement trust fund, the treasurer shall distribute funds to the counties and political subdivisions that filed lawsuits, on or before September 1, 2019, against opioid manufacturers, distributors and other persons identified as defendants in the multi-district opioid litigation pending in the federal district court for the northern district of Ohio according to the formula described below. This distribution shall occur on an annual basis. **The distribution of funds shall be based on the 2020 census population of each qualifying county and political subdivision multiplied by the amount of the settlement multiplied by an allocation factor of 40 percent.**

I propose that amending language be made to the bold words to clarify the calculation:

The distribution of funds shall be based on the most recent decennial census population of each qualifying county and political subdivision that joined the national litigation prior to Sept 1, 2019, according to the following formula:


The distribution shall be calculated by multiplying the SETTLEMENT AMOUNT by the POPULATION FACTOR and the ALLOCATION FACTOR; where the POPULATION FACTOR is derived by dividing each qualifying county and municipality's population by the state's total population, and the ALLOCATION FACTOR is set at 40%.

I can put in the amendment or your committee can do that. Let me know what you think.. this also incorporates the "last decennial" language proposed in Sen. Rosenwald's bill (SB275).

Thank you so much for your consideration and work with me on this legislation.

Best,

Judy Aron
NH State Representative
Sullivan County District 7
(Acworth, Goshen, Langdon, Lempster, Washington)
Environment and Agriculture Committee, Vice-Chair
266 Forest Road, South Acworth, NH 03607
603-843-5908

Archived: Thursday, March 17, 2022 9:06:59 AM
From: [Terence O'Rourke](#)
Sent: Monday, March 7, 2022 11:11:07 AM
To: [~House Ways & Means Committee](#)
Subject: City of Rochester Letter in Support of HB 1565
Importance: Normal
Attachments:
[2022 3-7 City of Rochester Letter in Support of HB1565-TMO.pdf](#) 

Mr. Chairman and Honorable Members,
Please find attached to this email the City of Rochester's Letter in Support of the passage of HB 1565.
Thank you,
Terence O'Rourke

*Terence O'Rourke
City Attorney
City of Rochester, New Hampshire
31 Wakefield Street
Rochester, NH 03867
Phone: (603) 335-7599*

Archived: Thursday, March 17, 2022 8:56:01 AM

From: [Scott Myers](#)

Sent: Thursday, March 3, 2022 12:23:23 PM

To: ~House Ways & Means Committee

Cc: [Derek Ferland](#); [Matthew Canfield \(MCanfield@laconiapd.org\)](#); [Kirk Beattie](#); [Glenn Smith](#); [Eric S. Adams](#); [Andrew Hosmer \(andrew@hosmernh.com\)](#); [Robert Soucy](#); [Bruce Cheney \(sanspeur43@gmail.com\)](#); [Henry Lipman \(hlipman6@gmail.com\)](#); [mhaynes994@gmail.com](#); [Nancy Brown](#); [Robert Hamel \(rob.hamel2@gmail.com\)](#); [Tony](#)

Subject: HB 1565 Opioid Abatement Trust Fund

Importance: Normal

Good afternoon Chairman Major and Members of House Ways and Means,

I am contacting you today on behalf of the city of Laconia in regard to HB 1565 (Opioid Abatement Trust Fund) in regard to the original language of the bill and a possible amendment you have been reviewing.

First, I am in favor of a larger distribution of funds to political subdivisions who have signed on to agreements with opioid manufacturers. To only have 15% distributed locally/regionally while 85% is retained by the State for future distribution does not seem to be equitable as "local" is where the boots are on the ground and the community impact and expense associated with the opioid crisis is being felt.

As I understand the amendment to HB 1565 you have reviewed, it would increase the amount of funds distributed to counties to a 30% level but leave the 13 municipalities who have signed on, Laconia included, at a 15% level. I have no issue with counties receiving a 30% share, but municipalities need to be on equal footing and receive an equal distribution.

Several years back, as a way to begin addressing the opioid crisis, the city of Laconia created a PET Police Officer position within the department. PET stands for Prevention, Enforcement & Treatment and the primary role of this officer within the department was to become a local expert and a community resource for those caught up in the crisis.

This approach has been presented on national platforms and is now being replicated as a model for NH municipalities through a several million-dollar COSSAP Grant being administered through the NH Attorney General's Office. COSSAP stands for Comprehensive Opioid, Stimulant and Substance Abuse Program. Laconia Police is taking the lead, through the AG's Office, and supporting multiple police agencies across the State in replicating our program and what we have done here in addressing the opioid crisis. Participating municipalities include Berlin, Belmont, Claremont, Laconia, Londonderry, Merrimack and Manchester. If you look at the names of municipalities who have signed on to agreements with opioid settlements, most of them are listed above.

Beyond our PET program, the City has invested time and resources at the Laconia Fire Department and our personnel with trained recovery coaches as often times our City ambulance and staff are on a scene where we can be pro-active with patients or their families.

Additionally, the City has been involved in the following regional or Statewide efforts:

Governor's Opioid Taskforce, Asst. Fire Chief Kirk Beattie, Nov. 2016- April 2018.

Senate Committee on Narcan, Deputy Fire Chief Shawn Riley, 2015-2017

Partners in Community Wellness, Asst. Fire Chief Kirk Beattie (now Chief Beattie) and Lt. Brian Keyes, approximately 7 years – present.

Navigating Recovery of the Lakes Region, Firefighter/Recovery Coach Brian Keyes, 2017 – present.

The above list just begins to scratch the surface of the City's involvement with both staff resources and local tax dollar funding of efforts to combat the opioid crisis and justification of why distributed dollars should flow in a greater percentage to the municipal level. In your deliberations, please do not leave the locals shortchanged as we are the boots on the ground, the first responders and the ones best positioned to make connections and hopefully assist with better outcomes.

If I can provide any additional information, please feel free to reach out.

Thank you for your service to your communities and the State.

Best,

Scott

Scott Myers

City Manager

City of Laconia


45 Beacon St. East

Laconia, NH 03246

p: 603.527.1270 f:603.527.1292

e: smyers@laconianh.gov

Sign up at info@laconianh.gov to receive the City's weekly newsletter, Laconia Links, by e-mail.

Archived: Thursday, March 17, 2022 9:01:14 AM
From: [Moniello, Patricia](#)
Sent: Tuesday, January 11, 2022 12:42:14 PM
To: ~House Ways & Means Committee
Cc: [Wyatt, Joshua](#); [Joyal, Michael](#); [Breault, William](#); [Haas, Paul](#)
Subject: HB 1565 Support Letter
Importance: Normal
Attachments:
[HB 1565 Letter to House Ways Means Committee.pdf](#) 

Please find attached a letter from Attorney Joshua Wyatt, on behalf of the City of Dover, in reference to HB 1565. Thank you.

Patricia A. Moniello
Legal Assistant to Joshua Wyatt, Esq.
& Jennifer Perez, Esq.
City of Dover
Office of the City Attorney
288 Central Avenue
Dover, NH 03820
603-516-6520
p.moniello@dover.nh.gov

Please consider conserving our natural resources before printing this e-mail and/or any attachments.

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Archived: Thursday, March 17, 2022 9:01:15 AM

From: [Kate Horgan](#)

Sent: Monday, January 10, 2022 9:10:28 PM

To: [~House Ways & Means Committee](#)

Subject: HB 1565

Importance: Normal

Attachments:

NHAC Letter HB 1565.pdf ;

Good afternoon Members of the House Ways and Means Committee.

Attached please find a letter from the NH Association of Counties in support of HB 1565. Please let me know if you have any questions. Thank you.


-Kate

Kathryn Horgan
The Dupont Group
29 School St. | Ste. 200 | Concord, NH 03301
603-228-3322 x111
khorgan@dupontgroup.com



signature_670
512813

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Archived: Thursday, March 17, 2022 9:07:05 AM
From: Derek Ferland
Sent: Monday, January 31, 2022 3:52:44 PM
To: ~House Ways & Means Committee
Cc: Derek Ferland; Rep Judy Aron; Kate Horgan (Dupont Group)
Subject: HB 1565, Relative to the opioid abatement trust fund
Importance: Normal
Attachments: LE CM to Ways & Means HB 1565 3.0. signed.pdf 

Chairman Major, Ladies & Gentlemen of the Committee,

Enclosed is a letter with additional information in support of HB 1565. I've also included the hyperlinks here if you want to look at the Drug Monitoring Initiative site. The maps are easier to read online and there is a lot of other useful data in case you want to read more.

Drug Monitoring Initiative:

[https://us-east-2.protection.sophos.com?
d=nh.gov&u=aHR0cHM6Ly93d3cuZGhoc5uaC5nb3YvZGNIY3MvYmRhcY9kYXRhLmh0bQ==&i=NWViO
WEzNmVkMDA3MzIxNzcxMzJhMTM5
&t=THBmYU6dEtNRkVmQ3JBjYndjY3ZLREYrOE4vVHhmNmRNWnBad0J4TVZCTT0=&h=
910132be6dbe49cb941cd4ede033b859](https://us-east-2.protection.sophos.com?d=nh.gov&u=aHR0cHM6Ly93d3cuZGhoc5uaC5nb3YvZGNIY3MvYmRhcY9kYXRhLmh0bQ==&i=NWViOWEzNmVkMDA3MzIxNzcxMzJhMTM5&t=THBmYU6dEtNRkVmQ3JBjYndjY3ZLREYrOE4vVHhmNmRNWnBad0J4TVZCTT0=&h=910132be6dbe49cb941cd4ede033b859)

How Johnson & Johnson has fared in other lawsuits in California & Oklahoma:

[https://us-east-2.protection.sophos.com?
d=npr.org&u=aHR0cHM6Ly93d3cubnByLm9yZy8yMDIxLzExLzAxLzEwNTEzMjE1ODAvY2FsaWZvcM5pYS1gdWRnZS1kcVnLWNvbXBhbmllcy1vcGlvaWQtY3Jpc2lzLWFSbGVyZ2FuLWVuZG8tam9obnNvbi10ZXZh&i=NWViOWEzNmVkMDA3MzIxNzcxMzJhMTM5
&t=RWIUZzZXVEtpT24vby9rNk1vb3RRUUtUk50WSswZFqT1psaDVJZGtDND0=&h=
910132be6dbe49cb941cd4ede033b859](https://us-east-2.protection.sophos.com?d=npr.org&u=aHR0cHM6Ly93d3cubnByLm9yZy8yMDIxLzExLzAxLzEwNTEzMjE1ODAvY2FsaWZvcM5pYS1gdWRnZS1kcVnLWNvbXBhbmllcy1vcGlvaWQtY3Jpc2lzLWFSbGVyZ2FuLWVuZG8tam9obnNvbi10ZXZh&i=NWViOWEzNmVkMDA3MzIxNzcxMzJhMTM5&t=RWIUZzZXVEtpT24vby9rNk1vb3RRUUtUk50WSswZFqT1psaDVJZGtDND0=&h=910132be6dbe49cb941cd4ede033b859)

[https://us-east-2.protection.sophos.com?
d=npr.org&u=aHR0cHM6Ly93d3cubnByLm9yZy8yMDIxLzExLzA5LzEwNTQwMDA5OTYvb2tsYWVhvbWEtc3VwcmVtZS1jb3VydC00NjUtZWlzbGlvaWV1vcGlvaWQtcnVsaW5n&i=NWViOWEzNmVkMDA3MzIxNzcxMzJhMTM5
&t=YUR4QVdOQWVhUDlVmc0bFpndzB6L0JLYmhpcUZxMVpWUXVUM1AzWWNtMD0=&h=
910132be6dbe49cb941cd4ede033b859](https://us-east-2.protection.sophos.com?d=npr.org&u=aHR0cHM6Ly93d3cubnByLm9yZy8yMDIxLzExLzA5LzEwNTQwMDA5OTYvb2tsYWVhvbWEtc3VwcmVtZS1jb3VydC00NjUtZWlzbGlvaWV1vcGlvaWQtcnVsaW5n&i=NWViOWEzNmVkMDA3MzIxNzcxMzJhMTM5&t=YUR4QVdOQWVhUDlVmc0bFpndzB6L0JLYmhpcUZxMVpWUXVUM1AzWWNtMD0=&h=910132be6dbe49cb941cd4ede033b859)

Thank you for your time and attention.

Kind regards,

Derek Ferland

Derek R. Ferland
County Manager
Sullivan County
(603) 863-2560
dferland@sullivancountynh.gov

Archived: Thursday, March 17, 2022 8:56:00 AM
From: [Chris Coates](#)
Sent: Tuesday, March 8, 2022 4:07:57 PM
To: [~House Ways & Means Committee](#)
Subject: HB 1565
Importance: Normal

Honorable Members of NH House Ways and Means Committee,

I'm writing to you today in response to Associate Attorney General Bonfetti's remarks around the spending of the opiate abatement trust fund monies that counties have received. **In his remarks he states the following; "contrary to the arguments made at the public hearings, county(s) should get more money because it can spend it more quickly. As of the writing of this letter, only Belknap and Strafford county(s) have spent these funds that they received in May 2021. Merrimack, Grafton, and Cheshire, have not spent any of their money earmarked for opiate abatement. Sullivan, Rockingham, Coos, Carrol, and Hillsborough county(s) have not yet indicated what they have done with their portion of settlement funds".**

I can only speak on behalf of Cheshire County, we received \$16,905.85, which has been placed into a special revenues account. Furthermore Cheshire County has earmarked those funds received, to be utilized by Cheshire County's Drug Court.

Cheshire County recognized early on the crisis that was developing when it came to addiction, it is why we were one of the first to develop a Drug Court, Behavioral Health Court, a substance abuse treatment program within our correction facility and started a Medicated Assisted Treatment Program (MAT) at our Department of Corrections.

More recently we utilized ARPA funds to address urgent needs for those struggling with addiction. The organizations we have funded are below, and in total nearly \$400,000 has gone to organizations that support those with substance abuse disorders. This isn't an issue we're ignoring, quite the contrary, it's an issue we have tackled head on, and we will continue to do so as long as there is a need.

\$89,885 dollars to "The Doorway", a program that you are all aware of. The Doorway is a program working to provide treatment to those suffering from substance use disorders. Recently Doorway has expanded its mission to focus on medically assisted treatment, bridge therapy, and group/individual therapy. The Doorway is currently building a 1,307 feet facility at 24 Railroad Street in Keene. Although they have received a grant from the Bureau of Drug and Alcohol Services to increase their staffing, they do not have a source of funding to support their expansion. They seek \$73,885 in buildout costs, \$6,000 for transportation costs, and \$10,000 to fund a medical director (Dr. Chris Mills, MD.) who will supervise the medical team of two medical providers and two nurses. Due to the nature of this expansion, Doorway could not rely on traditional funding methods. The second round of ARPA funding will help offset the costs of this expansion.

\$110,000 to Hundred Nights which is a shelter that houses the homeless during the one hundred coldest nights of the year. Hundred Nights is a refuge for those in need, whether families or individuals, providing a warm place to sleep, food, and clothes. Hundred Nights supports people

who have been suffering from substance use disorders, and gives those who are a struggling a place they can feel safe, and at home. Recently, Hundred Nights have been approved for an expansion through the Keene Planning Board; these funds will support the move to a larger location so Hundred Nights can continue to do the noble work it does while reaching more people in need.

\$76,000 to the Community Kitchen Mobile Food Pantry which will work to secure and or lessen the food insecurity issues in Cheshire County. Food insecurity has skyrocketed all across the nation due to COVID-19. A mobile food pantry will be integral to supporting those in isolation/quarantine due to COVID and help those primarily immobile due to medical issues, age, or avoidance of COVID-19 in public spaces or those most vulnerable who may be struggling with a physical, mental or substance abuse issue. Furthermore, Cheshire County being a rural community, the food pantry will support those isolated from population centers in the most rural parts of the county.

\$20,000 to Headrest which is an organization that directly supports those with substance abuse issues. The organization supports these people through, job opportunities, outpatient treatment/counseling and so much more.

\$35,000 to the Monadnock Center for Violence Prevention which is an organization that supports those that have been victimized from sexual assault and abuse, as well as works to prevent these abuses from happening.

\$20,000 to Monadnock Peer Support which is an organization that supports those in recovery from substance abuse through peer to peer connections.

\$80,000 to Mobile Mental Health. Many of those struggling with substance abuse are struggling with mental health issues as well. And the goal of these funds is to ensure the county responds to crises as effectively and safely as possible while relieving some work off our heavily worked police. Essentially, this money would fund therapists responding to mental health crises rather than law enforcement. Therapists are specifically trained to support those in a mental health crisis, and this program would foster the safety of those in crisis and our first responders.

A majority of these funds have already gone out to the agencies stated above. The rest of it will be allocated this summer once the second tranche of ARPA funding is received by the county.

The Associate Attorney General by his comments makes it seem like we aren't being proactive in addressing this crisis, whether meant to or not, the perception is there and he would be wrong.

As I stated when I attend a work session on HB 1565 in Concord, the county represents all 22 towns and the City of Keene, we understand our communities and we are nimble and able to react quickly to what we are faced with, just look at the last two years of this pandemic as an example.

I ask that you consider supporting the percentage increase of the "Opiate Abatement Trust Fund" to the counties of 30%, with this added funding we will be able to continue to support our community in addressing ways to support those struggling with addiction.

Thank you for your time and consideration.

As Paul Harvey would say, "and now you know the rest of the story."

Thank you for your time,

Christopher Coates.

Christopher Coates
County Administrator
Cheshire County
12 Court Street
Keene N.H. 03431
W-603-355-3031
C-603-313-9002



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Archived: Thursday, March 17, 2022 9:06:58 AM

From: [David Caron](#)

Sent: Monday, March 7, 2022 1:46:31 PM

To: ~House Ways & Means Committee

Subject: HB1565-FN

Importance: Normal

Attachments:

[Caron input HB 1565-FN.pdf](#) 

Good afternoon,

Please see attached letter re: HB-1565-FN

Thank you,

Dave Caron
Town Administrator
14 Manning Street
Derry, NH 03038
603.845.5403
dcaron@derrynh.org

Archived: Thursday, March 17, 2022 9:01:15 AM

From: [Derek Ferland](#)

Sent: Monday, January 10, 2022 5:29:54 PM

To: ~House Ways & Means Committee

Cc: [Derek Ferland](#); [Mary Bourque](#); [Ted Purdy](#)

Subject: Letters from Sullivan County Board of Commissioners re: HB 1525 and HB 1565

Importance: Normal

Attachments: [LE BOC HB 1525.pdf](#); [LE BOC HB 1565.pdf](#);

Ladies and Gentlemen of the House Ways and Means Committee,

Attached are two letters of support from the Sullivan County Board of Commissioners regarding hearings that are scheduled for January 11, 2022.

Thank you for your consideration.

Regards,

Derek R. Ferland
County Manager
Sullivan County
(603) 863-2560
dferland@sullivancountynh.gov

Archived: Thursday, March 17, 2022 8:56:07 AM

From: [Chris Coates](#)

Sent: Tuesday, January 11, 2022 12:16:12 PM

To: [~House Ways & Means Committee](#)

Subject: NH House Remote Testify: 2:00 pm - HB1565 in House Ways and Means

Importance: Normal

Honorable Members of the New Hampshire House Ways and Means Committee,

I am writing you today in support of House Bill 1565, relative to the opioid abatement trust fund.

In my position as County Administrator for Cheshire County and a member of the leadership team of the New Hampshire Associations of Counties, I have had the honor early on in the process of developing the "Opioid Abatement Trust Fund. Working closely with, Commissioner George Maglaras, former Attorney General MacDonald, Associate Attorney General James Boffetti and other communities of the sub-division we were able to come to an agreement on how to move forward with a trust.

Though all parties agreed on the initial framework of the trust, at the time it was developed with many unknowns.

Most specifically what percentage would be assigned to the State of NH, the sub-division and the trust.

As this was in the early beginnings of the national lawsuit, we struggled to find examples to compare to from around the country, so we settled on the current numbers.

We have learned over time that our initial numbers were not just lower than all other states that have a similar system in place, but exceedingly low.

The sub-division made up of counties, cities and towns are at the forefront of the opioid crisis in New Hampshire and have been from the beginning. We have watched our family, friends and community members life's fall a part or end due to their addiction. It is our communities that have come together to find ways to address this crisis, spending millions of dollars in the process to support those in need.

When the CARES Funding was sent to the states to help support our cities and towns in the State of New Hampshire we were grateful to receive monies from the state to help us with the fiscal realities we were facing due to the COVID-19 pandemic.

With that being said, we also knew that if there was to be another round of funding we wanted the ability to have our own funding come directly to the Counties in NH. The NHAC started working with our federal delegation to have language placed in the next funding package that would allow this to happen.

We did this for many reasons, the main one being we know our communities and the needs that the pandemic has created and we are best set-up to address those issues. The funding that was created by the American Rescue Plan Act has truly made a clear difference in Cheshire County as we slowly recover from this pandemic.

Why do I reference the ARPA Funding, simple because if House Bill 1565 passes and the level of funding is increased to the sub-division we will be able to pursue this issue much more aggressively.

Trust us, we know our communities and how to thoughtfully, collaboratively and pragmatically support those struggling with addiction.

Please support HB 1565.

Thank you for your time today.

Chris

Christopher Coates
County Administrator
Cheshire County
12 Court Street
Keene N.H. 03431
W-603-355-3031
C-603-313-9002



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Archived: Thursday, March 17, 2022 9:06:55 AM

From: Mascio, Lissa

Sent: Wednesday, March 9, 2022 9:29:43 AM

To: ~House Ways & Means Committee

Cc: Karen Karwocki; Hanks, Helen; Cusack, Lynmarie

Subject: NHDOC input regarding HB 1565

Importance: Normal

Attachments:

NHDOC Commissioner Hanks testimony re HB 1565 Relative to the Opioid Abatement Trust Fund 3.8.2022.doc 

Chairman Major and Honorable Members of the Ways and Means Committee,

I apologize for the late entry of this information, relating to **HB 1565** *relative to the opioid abatement trust fund*, for today's executive session.

If you have any questions or concerns, please do not hesitate to reach out.

Lissa Mascio, Esq.

Attorney, Division of Professional Standards

NH Department of Corrections

105 Pleasant St.

Concord, NH 03301

Tel: 603-271-5612

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29 School St., Ste. 200
Concord, NH 03301

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Cheshire County Administrator

January 10, 2022

The Honorable Norm Major
Chair
Ways and Means Committee
Legislative Office Building
Concord, NH 03031

Chairman Major and Members of the Ways and Means Committee,

The NH Association of Counties would like to register its support for HB 1565, relative to the Opioid Abatement Trust Fund.

This bill would increase the allocation within the Opioid Abatement Trust Fund from a 15% distribution to the litigating parties to a 40% distribution. Allowing a greater allocation of funds to local counties and municipalities ensures that more dollars can be used faster, for one of the most vulnerable populations in the State. This investment would allow the county programs to grow and impact more residents and thus reduce the recidivism rate that counties currently experience. This would allow the counties to redirected funding to expand treatment opportunities for those inmates who are released into the community, which would include partnerships with local medical providers.

The Association asks for your support for HB 1565. If you have any questions, please feel free to reach out to our Executive Director, Kate Horgan at khorgan@dupontgroup.com.

Sincerely,



Wendy Piper
President
NH Association of Counties

HB 1565-FN - AS INTRODUCED

2022 SESSION

22-2060
05/04

HOUSE BILL ***1565-FN***

AN ACT relative to the opioid abatement trust fund.

SPONSORS: Rep. Aron, Sull. 7; Rep. Rollins, Sull. 6; Rep. Stapleton, Sull. 5; Rep. Acton, Rock. 10; Rep. M. Pearson, Rock. 34; Rep. Depalma IV, Graf. 1; Rep. Massimilla, Graf. 1

COMMITTEE: Ways and Means

ANALYSIS

This bill revises the distribution formula for the opioid abatement trust fund and clarifies the annual reporting process for the fund.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the opioid abatement trust fund.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Opioid Abatement Trust Fund. RSA 126-A:83, II is repealed and reenacted to read as follows:

2 II. Prior to any deposit in the consumer escrow account or the opioid abatement trust fund,
3 the treasurer shall distribute funds to the counties and political subdivisions that filed lawsuits, on
4 or before September 1, 2019, against opioid manufacturers, distributors and other persons identified
5 as defendants in the multi-district opioid litigation pending in the federal district court for the
6 northern district of Ohio according to the formula described below. This distribution shall occur on
7 an annual basis. The distribution of funds shall be based on the 2020 census population of each
8 qualifying county and political subdivision multiplied by the amount of the settlement multiplied by
9 an allocation factor of 40 percent.

10 2 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA 126-
11 A:84, II(a) to read as follows:

12 (a) [~~Fifteen percent of the funds~~] Each year, ***not later than January 15, any***
13 ***outstanding balance in the trust fund*** shall be distributed to the counties and political
14 subdivisions as identified in RSA 126-A:83, II.

15 3 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA 126-
16 A:84, IV to read as follows:

17 IV. ***Annually***, on or before September 1, [2020,] each county, city, town or program that
18 receives funds under paragraph II shall [annually] provide to the department of health and human
19 services and the opioid abatement advisory commission a detailed account of all monies spent on
20 approved uses, including, but limited to, an analysis and evaluation of the projects and programs it
21 has funded.

22 4 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA 126-
23 A:84, VI to read as follows:

24 VI. ***Annually***, on or before November 1, [2020,] the commissioner of the department of
25 health and human services shall submit an annual report to the governor and fiscal committee of the
26 general court detailing the activities of the advisory commission, the administration of the opioid
27 abatement trust fund, the amount distributed in the past year, the amount remaining in the trust
28 fund, a summary of how funds were used in the past year, and any recommendations for future
29 legislation.

30 5 Effective Date. This act shall take effect upon its passage.

**HB 1565-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to the opioid abatement trust fund.

FISCAL IMPACT: State County Local None

COUNTY::	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

LOCAL:

Revenue	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill increases from 15 percent to 40 percent the amount of any opioid settlement funds that are distributed to the counties and political subdivisions that filed lawsuits against opioid manufacturers on or before September 1, 2019. The New Hampshire Municipal Association (NHMA) states that under current law, 85 percent of such funds are placed into the opioid abatement trust fund and distributed pursuant to RSA 126-A:84. Each year, the fund is drawn down by 15 percent, with those funds distributed to political subdivisions as noted above. The remainder may be distributed as grants to other political subdivisions and qualifying non-governmental programs. By raising the distribution from 15 percent to 40 percent, the bill's apparent intent is to place the remaining 60 percent into the trust fund, but the NHMA notes that ambiguities in the revised distribution formula might result in other outcomes. Specifically, the bill requires that no later than January 15th of each year, the outstanding balance in the fund shall be distributed to the 23 political subdivisions that filed lawsuits. The NHMA notes that hypothetically, any settlements funds that came in on January 14th would be entirely redistributed to the 23 political subdivisions that filed lawsuits, with none left over for the other subdivisions or non-governmental programs. The NHMA acknowledges that this outcome is unlikely, but nonetheless possible. The total fiscal impact on counties and municipalities is therefore indeterminable. It is assumed that there would be no impact on state expenditures, only on the distribution of such expenditures to localities and non-governmental organizations. For informational purposes, the NHMA notes that as of December 2021, the state has entered into one settlement totaling \$2.7 million.

AGENCIES CONTACTED:

New Hampshire Municipal Association and Department of Health and Human Services