

**CONSENT CALENDAR**

**April 12, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Health, Human Services and Elderly  
Affairs to which was referred SB 275,**

**AN ACT relative to the opioid abatement trust fund.**

**Having considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Dennis Acton**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>SB 275</b>
Title:	<b>relative to the opioid abatement trust fund.</b>
Date:	<b>April 12, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

This bill makes adjustments to the law regulating the Opioid Abatement Trust Fund as requested by the advisory commission. The bill changes a reference to the 2010 census in the original bill to read “disbursement from the fund shall be based on the most recent decennial census.” Based on consensus of the advisory commission and unanimous agreement from the Committee, this bill also adds two new duties to the commission: “Support evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community-based prevention efforts,” and, “Support for public school programs and services for students with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-occurring SUD/MH issues within their family.” These new duties will join an existing list of fourteen in the law. The Senate amended the bill to add a representative of the New Hampshire School Administrators Association to the Opioid Abatement Advisory Commission. This was supported by the advisory commission. Lastly, this bill requires the Department of Health and Human Services to include available measures of success and corresponding data of programs funded in their annual report. These measures will assist in tracking progress and results.

Vote 21-0.

Rep. Dennis Acton  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Health, Human Services and Elderly Affairs

**SB 275**, relative to the opioid abatement trust fund. **OUGHT TO PASS.**

Rep. Dennis Acton for Health, Human Services and Elderly Affairs. This bill makes adjustments to the law regulating the Opioid Abatement Trust Fund as requested by the advisory commission. The bill changes a reference to the 2010 census in the original bill to read “disbursement from the fund shall be based on the most recent decennial census.” Based on consensus of the advisory commission and unanimous agreement from the Committee, this bill also adds two new duties to the commission: “Support evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community-based prevention efforts,” and, “Support for public school programs and services for students with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-occurring SUD/MH issues within their family.” These new duties will join an existing list of fourteen in the law. The Senate amended the bill to add a representative of the New Hampshire School Administrators Association to the Opioid Abatement Advisory Commission. This was supported by the advisory commission. Lastly, this bill requires the Department of Health and Human Services to include available measures of success and corresponding data of programs funded in their annual report. These measures will assist in tracking progress and results. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # SB275

**TITLE:** AN ACT relative to the opioid abatement trust fund.

**DATE:** 4/12/2022

**LOB ROOM:** 205-7

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**MOTION:**

OTP

Moved by Rep. Acton                      Seconded by Rep. Weber                      Vote: 21-0

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**CONSENT CALENDAR:**     YES             NO

**Minority Report?**     Yes     No    If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted:                      baf  
\_\_\_\_\_  
Rep. Beth Folsom, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



9/28/2021 11:15:01 AM  
Roll Call Committee Registers  
Report

2022 SESSION

**Health, Human Services and Elderly Affairs**

Bill #: SB275      Motion: OTP      AM #: \_\_\_\_\_      Exec Session Date: 4/12/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	Y		
Layon, Erica J. Vice Chairman	Y		
McMahon, Charles E.	Y		
Acton, Dennis F.	Y		
Gay, Betty I.	Y		
<del>Cushman, Leah P.</del> Rep. Mooney	Y		
Folsom, Beth A. Clerk	Y		
<del>Kelsey, Niki</del> Rep. Boehm	Y		
King, Bill C.	Y		
Kofalt, Jim	Y		
DeLemus, Susan	Y		
Weber, Lucy M.	Y		
Mackay, James R.	Y		
Snow, Kendall A.	Y		
Knirk, Jerry L.	Y		
Salloway, Jeffrey C.	Y		
Cannon, Gerri D.	Y		
Nutter-Upham, Frances E.	Y		
Schapiro, Joe	Y		
Woods, Gary L.	Y		
<del>Merchant, Gary</del> Rep. Query	Y		
<b>TOTAL VOTE:</b>	21	0	

**HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**PUBLIC HEARING on Bill # SB275**

**BILL TITLE:** AN ACT relative to the opioid abatement trust fund.

**DATE:** 4/5/2022

**ROOM:** LOB 205-7

**Time Public Hearing Called to Order: 9:30am**

**Time Adjourned: 10:19am**

**Committee Members:** Reps. M. Pearson, Layon, Folsom, Acton, McMahon, Cushman, Kelsey, Gay, B. King, Kofalt, MacKay, DeLemus, Weber, Knirk, Nutter-Upham, Salloway, Snow, Cannon, Schapiro, Woods and Merchant,

**TESTIMONY**

**Sen. Rosenwald presented the bill**

Presented on behalf of the Opioid Abatement Advisory Commission.

Some funds have already been distributed while working on rules to present to JLCAR. The bill updates census reference, member appointments, and includes duties of measuring success and corresponding data of funded programs.

State is not keeping funds, currently 85% of funds received are being held to meet grant applications.

**Rep Aron - Opposed**

Opposes population distribution penalties based upon municipal lawsuits, provided handouts.

**Rep. Almy, Ways and Means Committee**

HB 1365 has been voted interim study to further examine the issue of population distribution penalties.

**James Boffetti – Supports**

Primary state litigator for opioid cases. He supports the bill and would oppose any amendment regarding PDP. Several political subdivisions hired outside counsel on a contingency basis. This firm has allowed their cases to stall because they will not bring in enough money to warrant the work involved. He created a memo to Ways and Means that he will forward to members of HHSEA.

**Kate Frey, New Futures - Supports**

Supports the bill, provided written testimony

**Katherine Heck, NH Municipal Assoc.**

Neutral on bill, many of the communities disagree with current allocations.

**Kate Heregan, NH Assoc. of Counties - Supports**

Respectfully submitted,

Rep. Beth Folsom, Clerk



# House Remote Testify



## Health, Human Services and Elderly Affairs Committee Testify List for Bill SB275 on 2022-04-05

Support: 10 Oppose: 1 Neutral: 0 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>
Soucy, Donna	Manchester, NH donna.soucy@leg.state.nh.us	An Elected Official	SD 18	Support	No	No	4/1/2022 4:13 PM
S, Julie	Newport, NH Jpmom39@gmail.com	A Member of the Public	Myself	Support	No	No	4/2/2022 8:17 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	4/3/2022 4:50 PM
Sargent Merrill, Brianna	Candia, NH briannaanddwayn@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 7:21 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 7:51 AM
Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 1:55 PM
Vigroux, Kerran	Concord, NH Kerran@NHProviders.org	A Member of the Public	NH Providers Association	Support	No	No	4/4/2022 3:18 PM
Paschell, Susan	Bow, NH spaschell@dupontgroup.com	A Lobbyist	NH Providers Association	Support	No	No	4/4/2022 3:35 PM
Hallock, Linda	Cornish, NH LINDASH@MAIL.COM	A Member of the Public	Myself	Oppose	No	No	4/4/2022 6:37 PM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:51 AM
Stoddard, Kristine	Bow, NH kstoddard@bistatepca.org	A Lobbyist	Bi-State Primary Care Association	Support	No	No	4/5/2022 3:02 PM



**Archived:** Friday, April 22, 2022 9:19:08 AM  
**From:** Boffetti, James  
**Sent:** Tuesday, April 5, 2022 3:28:09 PM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** SB 275 and additional information from DOJ  
**Importance:** Normal  
**Attachments:**  
[20220304085739.pdf](#)  [20220405151613.pdf](#) 

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Good afternoon, Chairman Pearson and members of the Committee:

Thank you for the opportunity to present information in support of SB 275 as passed by the Senate and to express our opposition to the amendment proposed by Representative Aron.

As promised, here is a copy of the letter I sent to House Ways and Means in opposition to HB 1565. As I mentioned at today's hearing, at the time I sent this letter, I did not have a copy of the annual report from Sullivan County. That report was sent at the end of August to HHS but was misplaced in that agency.

All documents related to the work of the Opioid Abatement Trust Fund Advisory Commission can be found at: <https://www.dhhs.nh.gov/dcbcs/bdas/opioid-abatement-trust-fund.htm>

I was also asked to provide a chart that shows the amounts received by the 23 subdivisions that hired contingency fee to file a complaint in the first payment related to the settlement with McKinsey, and that chart is also attached.

Please contact me if I can provide additional information or clarification.

*James T. Boffetti*  
*Associate Attorney General*  
*Director, Division of Legal Counsel*  
*New Hampshire Department of Justice*  
*33 Capitol Street*  
*Concord, NH 03301*  
*603.271.0302 direct*  
*603.724-0174 cell*

STATEMENT OF CONFIDENTIALITY

The information contained in this electronic message and any attachments may contain confidential or privileged information and are intended for the exclusive use of the addressee(s). Please notify the Attorney General's Office immediately at 603-271-3658 or reply to [justice@doj.nh.gov](mailto:justice@doj.nh.gov) if you are not the intended recipient and destroy all copies of this electronic message and any attachments.

**Archived:** Friday, April 22, 2022 9:19:09 AM  
**From:** [Kate Horgan](#)  
**Sent:** Monday, April 4, 2022 10:42:13 AM  
**To:** ~House Health Human Services and Elderly Affairs  
**Subject:** SB 275  
**Importance:** Normal  
**Attachments:**  
NHAC- sb 275 4.4.22.pdf ;

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Chairman Pearson and Members of the Health, Human Services, & Elderly Affairs Committee.

Attached please find a letter from the NH Association of Counties in support of SB 275. Please let us know if you have any questions.

-Kate

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



signature\_338279736  
6

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**Archived:** Friday, April 22, 2022 9:19:08 AM

**From:** [Judy Aron](#)

**Sent:** Monday, April 4, 2022 11:25:10 PM

**To:** ~House Health Human Services and Elderly Affairs

**Cc:** [Derek Ferland](#); [Kate Horgan](#)

**Subject:** SB275 - suggested amendment

**Importance:** Normal

**Attachments:**

[SB275 Opioid Trust Bill Analysis WOPopPenalty.xlsx](#)  [Suggestedamendment to SB275.docx](#) 

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Dear Health and Human Services Committee,

Today you are hearing SB275 which has some housekeeping changes to the Opioid Abatement trust Fund Statutes.

As you hear this bill I would like you to consider making a few additional changes to the statute.

First and foremost, I would like you to consider eliminating the population penalty levied upon counties with regard to the 23 entities which were original litigants in the opioid lawsuits. 8 of our 10 counties are penalized by eliminating the population of any municipality within the county that were also litigants in the original national opioid lawsuit. As a result, each county receives less money from the settlement distributions if any municipality within it joined in the litigation.

The fact is that the counties and municipalities have vastly different programs which they offer, and which stand to be funded by these distributions going forward. The counties should not be penalized just because a municipality within that county decided to join in the original national lawsuit. For example, Sullivan County would be penalized the population of Claremont, yet Sullivan County still serves the people of Claremont in the county opioid abatement programs that they offer. The population penalty is not fair in this respect and I have attached language that could be attached as an amendment to fix this.

I have provided a spreadsheet which shows what the difference in allocation of distribution of settlement dollars for the McKinsey settlement would have meant to the counties had the population penalty not been in effect. Compare columns H and I to see the difference. For some counties the difference is quite meaningful because the population penalty (column G) is substantial. For instance, Strafford and Hillsborough county suffer a 49% population penalty because of the municipalities in their counties that decided to be part of the original national litigation.

You should also know that the 13 municipalities who were original litigants represent 50% of the opioid problem in our state. They recognized the problem early on, which is why they decided to join in on the national litigation. I must add too that if it weren't for these 23 entities participating in the litigation, New Hampshire would not have received anything from these lawsuits!

Additionally, language with regard to the allocation calculation needs to be spelled out and clarified in the statute.

Finally, RSA126-A:84 IV and VI need to be changed to reflect annual reporting and remove the 2020 year mentioned in current statute.

I would be happy to answer any questions,

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

A	B	C	D	E		F	G	H	I
	County Number	County / Municipality	2010 Census Population	Population Percentage		County Population Penalty	McKinsey Settlement Distribution <sup>1</sup> (actual)	McKinsey Settlement Distribution <sup>1</sup> (Without County Population penalty)	
				Proposed formula: subdivision population divided by state population	RSA 126-A:83.II formula: a.k.a. the "population penalty"				
1	1	Belknap County	60,088	4.57%	2.79%	39%	\$11,578.71	\$18,915.79	
2	2	Carroll County	47,698	3.62%	3.62%	0%	\$15,015.40	\$15,015.40	
3	3	Cheshire County	77,117	5.86%	4.08%	30%	\$16,907.35	\$24,276.54	
4	4	Coos County	32,961	2.50%	1.74%	30%	\$7,212.10	\$10,376.17	
5	5	Grafton County	89,118	6.77%	6.77%	0%	\$28,054.47	\$28,054.47	
6	6	Hillsborough County	400,721	30.44%	15.55%	49%	\$64,427.88	\$126,147.53	
7	7	Merrimack County	146,445	11.13%	7.24%	35%	\$29,992.07	\$46,101.09	
8	8	Rockingham County	295,223	22.43%	18.08%	19%	\$74,918.01	\$92,936.61	
9	9	Strafford County	123,143	9.36%	4.82%	49%	\$19,959.67	\$38,765.59	
10	10	Sullivan County	43,742	3.32%	2.31%	31%	\$9,565.87	\$13,770.04	
11	1	Belmont	7,356	0.56%	0.56%		\$2,315.68	\$2,315.68	
12	4	Berlin	10,051	0.76%	0.76%		\$3,164.07	\$3,164.07	
13	10	Claremont	13,355	1.01%	1.01%		\$4,204.17	\$4,204.17	
14	7	Concord	42,695	3.24%	3.24%		\$13,440.45	\$13,440.45	
15	8	Derry	33,109	2.52%	2.52%		\$10,422.76	\$10,422.76	
16	9	Dover	29,987	2.28%	2.28%		\$9,439.95	\$9,439.95	
17	7	Franklin	8,477	0.64%	0.64%		\$2,668.57	\$2,668.57	
18	3	Keene	23,409	1.78%	1.78%		\$7,369.19	\$7,369.19	
19	1	Laconia	15,951	1.21%	1.21%		\$5,021.40	\$5,021.40	
20	8	Londonderry	24,129	1.83%	1.83%		\$7,595.84	\$7,595.84	
21	6	Manchester	109,565	8.32%	8.32%		\$34,491.21	\$34,491.21	
22	6	Nashua	86,494	6.57%	6.57%		\$27,228.43	\$27,228.43	
23	9	Rochester	29,752	2.26%	2.26%		\$9,365.97	\$9,365.97	
New Hampshire Total Population:			1,316,256	133.00%	100.00%	Total:	\$414,359.21	\$551,086.90	
Opioid Abatement Trust Amount:							Total:	\$2,348,035.54	\$2,211,307.85

<sup>1</sup>McKinsey Settlement: \$ 2,762,394.75

**Column Notes:**

- A. Number of political subdivisions
- B. 10 Counties presented in alpha order; number next to municipality represents the county it is in.
- C. Names of the 23 political subdivisions
- D. 2010 census data for explanatory purposes only; amendment will incorporate most recent census
- E. Each subdivision's population relative to the total state population, expressed as a percentage--this is the population percentage proposed
- F. Each subdivisions's population as per RSA 126-A:83.II. Note that some county percentages are reduced; however, municipal percentages are not reduced.
- G. The "population penalty" for each county expressed as a percentage.
- H. The actual McKinsey settlement amounts distributed in May 2021 according to model in RSA 126-A:83. (population percent with population penalty multiplied by settlement amount multiplied by 15%).
- I. McKinsey settlement distribution using proposed formula for SB275 (population percent without population penalty multiplied by settlement amount multiplied by 15%).

## Suggested amendment to SB275

1. Opioid Abatement Trust Fund. RSA126-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 in this paragraph. The distribution shall occur on an annual basis. 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 September 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's and municipality's population by the state's total population, and the allocation factor is set at 15 percent.

2. Opioid Abatement Trust Fund; Management and Distribution of Funds. RSA126-A:84,II(a) is repealed and reenacted to read as follows:

(a) Funds shall be distributed to the counties and subdivisions in accordance with the formula identified in RSA126-A:83,II. This distribution shall occur not later than 90 days after the state receives proceeds from opioid-related settlements or judgments.

3 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA126-A:84,IV to read as follows:

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

4. Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA126-A:84, VI to read as follows:

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

## Opioid Abatement Trust Fund - Distributions under 126-A:83, II

4/15/2021

County/Subdivision	Total County Population 2010 census	Subdivision Population 2010 census	% Allotted to each qualifying subdivision	Total Amount from Share of \$414,359.18
<b>Belknap</b>	60,088			
Laconia		15,951	1.21%	\$ 5,013.75
Belmont		1,301	0.10%	\$ 414.36
Belknap		42,836	3.25%	\$ 13,466.67
<b>Carroll</b>	47,818			
Carroll		47,818	3.63%	\$ 15,041.24
<b>Cheshire</b>	77,117			
Keene		23,409	1.78%	\$ 7,375.59
Cheshire		53,708	4.08%	\$ 16,905.85
<b>Coos</b>	33,055			
Berlin		10,051	0.76%	\$ 3,149.13
Coos		23,004	1.75%	\$ 7,251.29
<b>Grafton</b>	89,118			
Grafton		89,118	6.77%	\$ 28,052.12
<b>Hillsborough</b>	400,721			
Manchester		109,565	8.32%	\$ 34,474.68
Nashua		86,494	6.57%	\$ 27,223.40
Hillsborough		204,662	15.55%	\$ 64,432.85
<b>Merrimack</b>	146,445			
Concord		42,695	3.24%	\$ 13,425.24
Franklin		8,477	0.64%	\$ 2,651.90
Merrimack		95,273	7.24%	\$ 29,999.60
<b>Rockingham</b>	295,223			
Derry		22,055	1.68%	\$ 6,961.23
Londonderry		11,037	0.84%	\$ 3,480.62
Rockingham		262,131	19.91%	\$ 82,498.91
<b>Strafford</b>	123,143			
Dover		29,987	2.28%	\$ 9,447.39
Rochester		29,752	2.26%	\$ 9,364.52
Strafford		63,404	4.82%	\$ 19,972.11
<b>Sullivan</b>	43,742			
Claremont		13,355	1.01%	\$ 4,185.03
Sullivan		30,387	2.31%	\$ 9,571.70
<b>Total</b>	<b>1,316,470</b>	<b>1,316,470</b>	<b>100.00%</b>	<b>\$ 414,359.18</b>

***President***

Wendy Piper  
Grafton County Commissioner

***Vice President***

Tom Tombarello  
Rockingham County Commissioner

***At Large Member***

Toni Pappas  
Hillsborough County Commissioner

***At Large Member***

Cathy Stacey  
Rockingham County Register of Deeds



**Association of Counties**

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

**[info@nhcounties.org](mailto:info@nhcounties.org)**

**[www.nhcounties.org](http://www.nhcounties.org)**

***Immediate Past President***

Chuck Weed  
Cheshire County Commissioner

***Treasurer***

Suzanne Collins  
Coos County Treasurer

***Bylaws Chair***

Chris Coates  
Cheshire County Administrator

April 4, 2022

The Honorable Mark Pearson  
Chair  
House Health, Human Services & Elderly Affairs  
State House  
Concord, NH 03031

Chairman Pearson and Members of the House Health, Human Services & Elderly Affairs  
Committee,

The NH Association of Counties would like to register its support for SB 275, relative to the  
Opioid Abatement Trust Fund.

This bill would ensure that allocations are distributed to the litigating parties based on the 2020  
census data rather than the 2010. It is important that this change is made to ensure that the  
funding matches the population allocation to ensure that the funds are available to those who are  
in need. This bill also changes the appointment of the Nursing Home Administrator from the  
Governor to the NH Association of Counties. The Association feels that the Nursing Home  
Administrators are an important voice for the Trust to hear from and are unsure as to why the  
appointment has remained vacant over the past year.

The Association asks for your support for SB 275. If you have any questions, please feel free to  
reach out to our Executive Director, Kate Horgan at [khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com).

Sincerely,

Wendy Piper  
President  
NH Association of Counties



April 5, 2022

The Honorable Mark Pearson, Chair  
Senate Health and Human Services  
Legislative Office Building Room 205  
Concord, NH 03301

**Re: New Futures Support of SB 275, Relative to the Opioid Abatement Trust Fund**

Dear Representative Pearson and Honorable Members of the Committee:

New Futures is a nonpartisan, nonprofit organization that advocates, educates, and collaborates to improve the health and wellness of all New Hampshire residents through policy change. In this role, we work extensively with policy makers, stakeholders, and prevention partners to prevent and reduce alcohol and other drug problems in our state. New Futures supports SB 275 because it allows funding from the Opioid Abatement Trust Fund to be used for evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community and school-based prevention efforts.

In 2020, House Bill 1639 established the Opioid Abatement Trust Fund and the Opioid Abatement Advisory Commission. The intent of the original legislation was to ensure that monies from opioid lawsuit settlements and judgements are spent to address the addiction crisis in New Hampshire, instead of diverting the monies for other purposes. According to the statute the Commissioner of the Department of Health and Human Services, in consultation with the Commission shall administer the Opioid Abatement Trust Fund and draw funds for qualifying opioid abatement projects under RSA 126-A:86, I(b). The projects outlined in the statute outline recovery and treatment efforts but does not include prevention-based programs. SB 275 would fix that.

We have heard time and time again that prevention and early intervention strategies can reduce the impact of substance use communities. Fortunately, New Hampshire has a robust infrastructure of community and school-based prevention organizations that work to educate and support individuals and communities to prevent the use and misuse of drugs and the development of substance use disorders. Prevention is a part of the full continuum of care for substance use disorders, along with treatment and recovery, and as such, it should be reflected in the duties of the Opioid Abatement Trust Fund.

Thank you for the opportunity to testify and we ask the committee to vote ought to pass on SB 275.

Sincerely,



Kathryn (Kate) Frey  
Vice President of Advocacy

Suggested amendment to SB275

1. Opioid Abatement Trust Fund. RSA126-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 in this paragraph. The distribution shall occur on an annual basis. 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 September 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's and municipality's population by the state's total population, and the allocation factor is set at 15 percent.

2. Opioid Abatement Trust Fund; Management and Distribution of Funds. RSA126-A:84,II(a) is repealed and reenacted to read as follows:

(a) Funds shall be distributed to the counties and subdivisions in accordance with the formula identified in RSA126-A:83,II. This distribution shall occur not later than 90 days after the state receives proceeds from opioid-related settlements or judgments.

3 Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA126-A:84,IV to read as follows:

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

4. Opioid Abatement Trust Fund; Management and Distribution of Funds. Amend RSA126-A:84, VI to read as follows:

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

April 5, 2022

The Honorable Mark Pearson, Chair  
Senate Health and Human Services  
Legislative Office Building Room 205  
Concord, NH 03301

**Re: New Futures Support of SB 275, Relative to the Opioid Abatement Trust Fund**

Dear Representative Pearson and Honorable Members of the Committee:

New Futures is a nonpartisan, nonprofit organization that advocates, educates, and collaborates to improve the health and wellness of all New Hampshire residents through policy change. In this role, we work extensively with policy makers, stakeholders, and prevention partners to prevent and reduce alcohol and other drug problems in our state. New Futures supports SB 275 because it allows funding from the Opioid Abatement Trust Fund to be used for evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community and school-based prevention efforts.

In 2020, House Bill 1639 established the Opioid Abatement Trust Fund and the Opioid Abatement Advisory Commission. The intent of the original legislation was to ensure that monies from opioid lawsuit settlements and judgements are spent to address the addiction crisis in New Hampshire, instead of diverting the monies for other purposes. According to the statute the Commissioner of the Department of Health and Human Services, in consultation with the Commission shall administer the Opioid Abatement Trust Fund and draw funds for qualifying opioid abatement projects under RSA 126-A:86, I(b). The projects outlined in the statute outline recovery and treatment efforts but does not include prevention-based programs. SB 275 would fix that.

We have heard time and time again that prevention and early intervention strategies can reduce the impact of substance use communities. Fortunately, New Hampshire has a robust infrastructure of community and school-based prevention organizations that work to educate and support individuals and communities to prevent the use and misuse of drugs and the development of substance use disorders. Prevention is a part of the full continuum of care for substance use disorders, along with treatment and recovery, and as such, it should be reflected in the duties of the Opioid Abatement Trust Fund.

Thank you for the opportunity to testify and we ask the committee to vote ought to pass on SB 275.

Sincerely,



Kathryn (Kate) Frey  
Vice President of Advocacy



275

A	B	C	D	E		F	G	H	I
1	County Number	County / Municipality	2010 Census Population	Population Percentage		County Population Penalty	McKinsey Settlement Distribution <sup>1</sup> (actual)	McKinsey Settlement Distribution <sup>1</sup> (Without County Population penalty)	
				Proposed formula: subdivision population divided by state population	RSA 126-A:83.II formula: a.k.a. the "population penalty"				
1	1	Belknap County	60,088	4.57%	2.79%	39%	\$11,578.71	\$18,915.79	
2	2	Carroll County	47,698	3.62%	3.62%	0%	\$15,015.40	\$15,015.40	
3	3	Cheshire County	77,117	5.86%	4.08%	30%	\$16,907.35	\$24,276.54	
4	4	Coos County	32,961	2.50%	1.74%	30%	\$7,212.10	\$10,376.17	
5	5	Grafton County	89,118	6.77%	6.77%	0%	\$28,054.47	\$28,054.47	
6	6	Hillsborough County	400,721	30.44%	15.55%	49%	\$64,427.88	\$126,147.53	
7	7	Merrimack County	146,445	11.13%	7.24%	35%	\$29,992.07	\$46,101.09	
8	8	Rockingham County	295,223	22.43%	18.08%	19%	\$74,918.01	\$92,936.61	
9	9	Strafford County	123,143	9.36%	4.82%	49%	\$19,959.67	\$38,765.59	
10	10	Sullivan County	43,742	3.32%	2.31%	31%	\$9,565.87	\$13,770.04	
11	1	Belmont	7,356	0.56%	0.56%		\$2,315.68	\$2,315.68	
12	4	Berlin	10,051	0.76%	0.76%		\$3,164.07	\$3,164.07	
13	10	Claremont	13,355	1.01%	1.01%		\$4,204.17	\$4,204.17	
14	7	Concord	42,695	3.24%	3.24%		\$13,440.45	\$13,440.45	
15	8	Derry	33,109	2.52%	2.52%		\$10,422.76	\$10,422.76	
16	9	Dover	29,987	2.28%	2.28%		\$9,439.95	\$9,439.95	
17	7	Franklin	8,477	0.64%	0.64%		\$2,668.57	\$2,668.57	
18	3	Keene	23,409	1.78%	1.78%		\$7,369.19	\$7,369.19	
19	1	Laconia	15,951	1.21%	1.21%		\$5,021.40	\$5,021.40	
20	8	Londonderry	24,129	1.83%	1.83%		\$7,595.84	\$7,595.84	
21	6	Manchester	109,565	8.32%	8.32%		\$34,491.21	\$34,491.21	
22	6	Nashua	86,494	6.57%	6.57%		\$27,228.43	\$27,228.43	
23	9	Rochester	29,752	2.26%	2.26%		\$9,365.97	\$9,365.97	
New Hampshire Total Population:			1,316,256	133.00%	100.00%	Total:	\$414,359.21	\$551,086.90	
Opioid Abatement Trust Amount:							Total:	\$2,348,035.54	\$2,211,307.85

<sup>1</sup>McKinsey Settlement: \$ 2,762,394.75

**Column Notes:**

- A. Number of political subdivisions
- B. 10 Counties presented in alpha order; number next to municipality represents the county it is in.
- C. Names of the 23 political subdivisions
- D. 2010 census data for explanatory purposes only; amendment will incorporate most recent census
- E. Each subdivision's population relative to the total state population, expressed as a percentage--this is the population percentage proposed
- F. Each subdivisions's population as per RSA 126-A:83.II. Note that some county percentages are reduced; however, municipal percentages are not reduced.
- G. The "population penalty" for each county expressed as a percentage.
- H. The actual McKinsey settlement amounts distributed in May 2021 according to model in RSA 126-A:83. (population percent with population penalty multiplied by settlement amount multiplied by 15%)
- I. McKinsey settlement distribution using proposed formula for SB275 (population percent without population penalty multiplied by settlement amount multiplied by 15%).

*President*  
Wendy Piper  
Grafton County Commissioner

*Vice President*  
Tom Tombarello  
Rockingham County Commissioner

*At Large Member*  
Toni Pappas  
Hillsborough County Commissioner

*At Large Member*  
Cathy Stacey  
Rockingham County Register of Deeds



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

[info@nhcounties.org](mailto:info@nhcounties.org)

[www.nhcounties.org](http://www.nhcounties.org)

*Immediate Past President*  
Chuck Weed  
Cheshire County Commissioner

*Treasurer*  
Suzanne Collins  
Coos County Treasurer

*Bylaws Chair*  
Chris Coates  
Cheshire County Administrator

April 4, 2022

The Honorable Mark Pearson  
Chair  
House Health, Human Services & Elderly Affairs  
State House  
Concord, NH 03031

Chairman Pearson and Members of the House Health, Human Services & Elderly Affairs  
Committee,

The NH Association of Counties would like to register its support for SB 275, relative to the  
Opioid Abatement Trust Fund.

This bill would ensure that allocations are distributed to the litigating parties based on the 2020  
census data rather than the 2010. It is important that this change is made to ensure that the  
funding matches the population allocation to ensure that the funds are available to those who are  
in need. This bill also changes the appointment of the Nursing Home Administrator from the  
Governor to the NH Association of Counties. The Association feels that the Nursing Home  
Administrators are an important voice for the Trust to hear from and are unsure as to why the  
appointment has remained vacant over the past year.

The Association asks for your support for SB 275. If you have any questions, please feel free to  
reach out to our Executive Director, Kate Horgan at [khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com).

Sincerely,

Wendy Piper  
President  
NH Association of Counties

SB 275 - AS INTRODUCED

2022 SESSION

22-2916

05/08

SENATE BILL           **275**

AN ACT               relative to the opioid abatement trust fund.

SPONSORS:         Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Rep. Acton, Rock. 10

COMMITTEE:       Finance

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ANALYSIS

This bill provides that disbursement from the opioid abatement trust fund shall be based on the most recent decennial census. The bill also revises the membership and duties of the opioid abatement advisory commission.

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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. Amend RSA 126-A:83, II to read as follows:

2 II. The treasurer shall distribute 15 percent of all funds received prior to any deposit in the  
3 consumer escrow account or the opioid abatement trust fund to the counties and the political  
4 subdivisions that filed lawsuits, on or before September 1, 2019, against opioid manufacturers,  
5 distributors and other persons identified as defendants in the multidistrict opioid litigation pending  
6 in the federal district court for the northern district of Ohio. This distribution shall occur on an  
7 annual basis. The distribution of funds shall be based on the [2010] **most recent decennial** census  
8 population of each qualifying county and political subdivisions. The population of any political  
9 subdivision which receives funds under this section shall not be included in the population of the  
10 county for determining the distribution to that county.

11 2 New Hampshire Opioid Abatement Advisory Commission; Membership. Amend RSA 126-A:85  
12 (k) to read as follows:

13 (k) A county nursing home supervisor, or designee, appointed by the [governor] **New**  
14 **Hampshire Association of Counties**.

15 3 New Subparagraph; New Hampshire Opioid Abatement Advisory Commission; Duties.  
16 Amend 126-A:86, I(b) by inserting after subparagraph (14) the following new subparagraph:

17 (15) Support evidence-based prevention programs and services, including efforts to  
18 promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate  
19 community-based prevention efforts.

20 4 Effective Date. This act shall take effect 60 days after its passage.