

TO INCENTIVIZE CITIES AND COUNTIES TO USE AND REPORT DIRECT DISTRIBUTIONS FROM OPIOID SETTLEMENTS BY MEETING THE OAA “GOLD STANDARD”

The Board of Directors (“Board”) of the Opioid Abatement Authority (“OAA”) is statutorily required to allocate a specific portion of the Opioid Abatement Fund (“Fund”) to each participating city and county (*see* Virginia Code § 2.2-2374(D)(2)). For purposes of this policy, this allocation will be referred to as the “OAA Distribution.”

In turn, each participating city and county has statutory obligations attached to the receipt of OAA Distributions (*see* Virginia Code § 2.2-2370(A)). These obligations are summarized below. For purposes of this policy these statutory obligations will be referred to collectively as the OAA “Gold Standard.”

- Participating cities and counties will only utilize OAA Distributions to fund efforts designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- Participating cities and counties shall not supplant funding of an existing program nor collect indirect costs; and
- Participating cities and counties shall provide the Authority with information on implementation of said methods, programs, or strategies and allow such monitoring and review as may be required by the Authority.
- Participating cities and counties must agree to certain base terms and conditions established by the OAA Board of Directors before receiving any OAA Distributions.

In addition to receiving the OAA Distribution, each participating city and county will also receive distributions directly from the settling companies. For purposes of this policy, this allocation will be referred to as the “Direct Distribution.”

The use and reporting requirements of the Direct Distribution are outlined in the nationally-negotiated settlement agreements and not through State statute. These use and reporting requirements are not as stringent nor as clear as the OAA’s Gold Standard, and in fact the OAA Gold Standard will always meet or exceed the requirements of the settlement agreements.

To encourage participating cities and counties to use all of their Direct Distribution funds fully for remediation and abatement, and to encourage participating cities and counties to report the use of their Direct Distribution funds to the OAA for the purpose of ensuring statewide adherence to the various settlement agreements, the Board hereby offers a voluntary financial incentive to each participating city and county. For each fiscal year that a participating city or county agrees to use and report their Direct Distribution funds according to the same standards they are required to use and report their OAA Distribution funds (i.e., the Gold Standard), the Board agrees to increase that city or county’s OAA Distribution by 25% above the base amount for that same fiscal year.

As noted above, each year that a city or county applies for any OAA Distribution, it must first agree to a set of base terms and conditions set by the OAA Board. In addition to those base terms and conditions, there will also be an additional set of extra terms and conditions that only apply to cities and counties that elect to participate in the incentive. These extra terms and conditions will specify the requirements for participating in the incentive. In short, each city or county will communicate its decision as to whether it will participate in the incentive by completing and submitting this additional set of terms and conditions.

Date of Board Approval: October 24, 2022