



Opioids and the Courts News: August 9, 2019

National

[States Voice Concerns About Drug Crisis Funding Restrictions](#)

CQ

Advocates, grantees and state officials say they need more flexibility to use opioid-related grants to help people with other forms of substance use disorder, such as methamphetamine addiction. Congress cleared bipartisan legislation (PL 115-271) last year to expand opioid use treatment, prevention and enforcement efforts. The federal government spent a record \$11 billion over two years on the issue in fiscal 2017 and 2018, according to a Bipartisan Policy Center analysis, and is on track this year to spend around \$7.4 billion.

National

[The opioid crisis needs a long-term national strategy](#)

The Hill

For the first time in years, there's been a decline in the national number of drug overdose deaths, according to a new report from the Centers for Disease Control that looked at preliminary 2018 data. That's good news, but make no mistake: The opioid crisis is far from over. At the Bipartisan Policy Center (BPC), we recently tracked all 57 federal funding sources directed at the epidemic and found that they fall far short of the amount necessary to reverse the rate of overdose deaths, address the consequences of the epidemic, permanently reverse the rate of overdose deaths, and build a comprehensive addiction treatment and recovery system.

National

[States Clash With Cities Over Potential Opioids Settlement Payouts](#)

New York Times

Over the last 18 months, progress toward a settlement in the massive federal opioid litigation has stalled, even as the costs of the crisis continue to mount. Now, an inventive plan to jump-start negotiations, recently put forth by lawyers for the nearly 2,000 cities and counties that have brought cases, is facing attacks from an unlikely source. Pushback that could torpedo it is coming less from the corporate defendants than from the localities' uneasy allies: the states.

National

[U.S. Judge Expresses Support for Novel Opioid Settlement Talks Framework](#)

Reuters

A federal judge on Tuesday expressed support for a novel plan by lawyers representing cities and counties suing drug companies over the U.S. opioid epidemic that would bring



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every community nationally into their settlement talks despite objections from most states. U.S. District Judge Dan Polster during a hearing in Cleveland, Ohio said that while the idea was unprecedented, it could allow companies accused of fueling the epidemic in nearly 2,000 lawsuits before him an ability to obtain “global peace.”

National

[In the Opioid Litigation, It's Now States v. Cities](#)

The Wall Street Journal

When tobacco companies agreed to pay states \$206 billion two decades ago to settle litigation over the public-health costs of smoking, cities and counties eagerly awaited their share of the money. For the most part, it never came. Now, in similar litigation seeking to hold the pharmaceutical industry accountable for the opioid crisis, local municipalities aren't waiting around. Hundreds of cities, counties, and Native American tribes have filed lawsuits directly, many suing before state attorneys general went to the courthouse to file their own actions.

National

[Cities again see more overdose deaths than country town](#)

Associated Press

U.S. drug overdose deaths had been most common in Appalachia and other rural areas in recent years, but they are back to being more concentrated in big cities, according to a government report [issued] Friday. The report by the Centers for Disease Control and Prevention said the urban overdose death rate surpassed the rural rate in 2016 and 2017. Rates for last year and this year are not yet available. But experts, citing available data, say the urban rate is likely to stay higher in the near future.

...

The CDC found the urban rates are driven by deaths in men and deaths from heroin, fentanyl and cocaine.

Women still die of overdoses at higher rates in rural areas, the CDC report found. And death rates tied to methamphetamine and prescription opioid painkillers remain higher in rural areas, too.

National

[Opioid Distributors Propose \\$10 Billion To End State Claims](#)

Bloomberg



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McKesson Corp., Cardinal Health Inc. and AmerisourceBergen Corp. have proposed paying \$10 billion to settle claims they helped to fuel the U.S. opioid epidemic the first sign of progress in resolving state lawsuits against the drug distributors, according to people familiar with negotiations. The companies, which deliver the majority of prescription medications to U.S. pharmacies, made the verbal proposal as part of talks with a group of state attorneys general, said three people familiar with the offer who asked that their names not be used because they weren't authorized to speak publicly.

Massachusetts

[Mass. Sheriff Touts Success Of Involuntary Treatment Program Amid Scrutiny Of Section 35](#)
WBUR

A western Massachusetts sheriff announced Monday he's mounting a fight against efforts to eliminate the involuntary addiction treatment program he runs in his jail. With legislative and legal battles looming over forced addiction treatment in Massachusetts, Hampden County Sheriff Nicholas Cocchi gathered supporters Monday to mark one year since his program at the Ludlow jail began.

Massachusetts

[Region hit hard by opioids embraces jail-based treatment](#)
Associated Press

Under state law, family members can ask a judge to order their relatives into treatment if they're unwilling to go voluntarily and are deemed a danger to themselves or others.

At least 35 states have such civil commitment laws, but Massachusetts is just one of a handful where it's widely used, [The Associated Press found](#) last year.

About 9,950 civil commitments requests were filed in state courts in the budget year that ended June 30. That's down from more than 10,770 the prior year but up significantly from the 6,105 in fiscal year 2016 and the under 3,000 in fiscal year 2006, according to state data.

Tenneriello and other opponents say forcing people into jails and prisons for treatment only reinforces the stigma around addiction. And studies, including [the state's own research](#), also suggest forced treatment largely doesn't work and could raise the danger of overdose for those who relapse after treatment.

Tennessee

[TALS Announces 2019 Access to Justice Award Recipients](#)
Tennessee Alliance for Legal Services



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Deborah Taylor Tate, Director of the Administrative Office of the Courts, is the 2019 Janice M. Holder Access to Justice Award recipient for her strategic leadership to ensure the legal system is open and available to all.

“She has provided indispensable leadership and guidance to the LSC task force and has fostered close collaboration between the National Judicial Opioid Task Force and LSC Opioid Task Force. Director Tate’s leadership resulted in the LSC selecting Tennessee as one of four locations around the country to hold a program to publicize the release of the LSC Opioid Task Force Report,” said James J. Sandman, President of Legal Services Corporation.

West Virginia

[Justices address reforms as well as changes in court operation](#)

Register-Herald

[Justice John] Hutchison said he didn’t have firm statistics but believed the increase in domestic cases could be linked to the state’s opioid crisis. It was a factor in many of the cases Hutchison dealt with as a circuit judge.

Taking that into account, the supreme court is implementing two new treatment courts alongside the successful drug court program. Family treatment courts, which should be up and running in September, will help parents with drug addiction who are in the middle of abuse and neglect cases.