

Opioid-Related News and the Courts

Weekly Review

July 2, 2021



National

[Johnson & Johnson to end sale of opioids, settles New York case for \\$230 million](#)

ABC News

Johnson & Johnson will pay \$230 million to resolve an opioids lawsuit, days before the company was slated to go to trial, in a settlement reached with New York Attorney General Letitia James.

In the agreement, the company will end the sale of all opioid products nationwide, James' office announced Saturday.

Johnson & Johnson, the parent company of Janssen Pharmaceuticals, stopped marketing opioid medications in the U.S. in 2015 and in 2020 discontinued distributing all of its prescription pain medications in the U.S., the company said.

The \$230 million sum will be paid out under an accelerated payment schedule to fund treatment and abatement of opioids in New York communities, and payments will be allocated over nine years.

Maine

[New report shows opioid deaths on the rise in Maine](#)

Maine Wire

On June 22, a day before the report was released, [Gov.] Mills signed [L.D. 1718](#), which created the Accidental Drug Overdose Death Review Panel. The panel is housed within the Office of the Attorney General and will review a subset of deaths caused by accidental drug overdoses and make recommendations about how to prevent overdose deaths to state, county, and local agencies. For the purposes of the law, accidental overdoses are presumed to be self-administered and do not apply to any overdose that occurs in a licensed healthcare facility.

The panel will include several ex officio members, including the Chief Medical Examiner, the Commissioner of Public Safety, the director of the Office of Behavioral Health in the Department of Human Services, the director of the Maine Center for Disease Control and Prevention, the Chief Justice of the Supreme Judicial Court, and the director of opioid response within the Governor's Office of Policy Innovation and the Future, who will chair the panel.

Maine[Mills Administration Statement on Drug Overdose Death Report](#)

Office of the Governor

The Governor yesterday also signed into law [emergency legislation](#) establishing an Accidental Drug Overdose Death Review Panel. The new law comes after the Office of the Maine Attorney General released its annual report of drug overdose fatalities, showing that 2020 was the deadliest year on record for drug overdoses.

The legislation, submitted by the Mills Administration and approved overwhelmingly by the Legislature, creates an accidental drug overdose death panel within the Office of the Attorney General charged with reviewing a subset of overdose deaths in order to learn from the circumstances surrounding the deaths and adjust policies when needed, with the goal of reducing more overdose deaths.

New York[Major Trial Against Opioid Suppliers Begins in New York](#)

New York Times

New York's sweeping lawsuit is the first opioid case in which a jury rather than a judge will decide the outcome.

Letitia James, the state attorney general, filed a lawsuit that targeted the distributors and manufacturers in the opioid supply chain; a judge consolidated the case with a separate suit from Nassau and Suffolk Counties that also took on pharmacies. The trial is expected to last months and serve as a rare illumination of the machinery that helped power a drug scourge — a characterization that defendants have denied.

Ohio[New Horizons Drug Court helps individuals recover from addiction](#)

Perry County Tribune

On June 23, the Perry County New Direction Drug Court held its graduation ceremony at the Barn at the BackWoods. It was a jubilant affair; strings of light hung from the ceiling, a fine dinner was served, and graduates, alumni, counselors, probation officers, judges and county officials drifted among the tables mingling with each other.

The New Direction Drug Court is a program run by the Perry County Municipal Court designed to help individuals charged with drug offenses work toward overcoming their addiction and finding steady employment. It gives individuals an option for improvement rather than jail time.

South Dakota

[Successful opiod addiction treatment slow to catch on in South Dakota](#)

South Dakota News Watch

South Dakotans battling addiction to opiods are increasingly relying on medication-assisted treatments to overcome their cravings for the dangerous drugs and to avoid potentially deadly overdoses.

However, access to the life-saving medications is limited in South Dakota and some physicians in the state are reluctant to prescribe the drugs that have shown great promise in overcoming opiod abuse. Meanwhile, addiction experts and some law enforcement officials are trying to break down barriers to [widen the use] of the treatments.

West Virginia

[Civil Fines vs. Prison Time: As Opioid Trial Plays Out, Stakes Are Different For Ordinary West Virginians](#)

West Virginia Public Media

Thousands of West Virginians are funneled through state and federal courts for drug charges each year. The procedural hearings can last minutes. But the consequences of a guilty plea or verdict are severe: years in prison — probation if you're lucky.

These scenes playing out in state and federal courtrooms across West Virginia are much different than the opiod trial that has brought national attention to the state.

For the past several weeks, lawyers for the City of Huntington and Cabell County have tried to convince a federal judge that the nation's three largest drug distributors — AmerisourceBergen, Cardinal Health, and McKesson — should be held responsible for sparking the opiod epidemic by shipping millions of prescription pain pills to West Virginia between 2008 and 2014.

West Virginia

[Proper funds, programs could reduce by half the local impact of the opiod crisis, expert says](#)

Charleston Gazette-Mail

While Huntington prides itself on being a city of solutions and recovery, an expert witness at an opiod trial Monday said its resources are far from what is needed to abate the opiod crisis.

In fact, Caleb Alexander, a pharmacoepidemiologist at the Johns Hopkins University School of Medicine who testified at the opiod trial Monday, penned an abatement plan he said would significantly improve the crisis by halving the number of overdoses,

deaths, and number of people with substance use disorder over the next 15 years by increasing focus on prevention, treatment, recovery, and special populations.

But to put the plan into effect, the governments need stable, reliable money, which grant funding does not provide.

“With these investments and these programs and services, the community will be in a much better place and much better able to manage ongoing harms that would be at a much lower level than they are now,” he said.

Wisconsin

[Evers signs opioid legislation but calls part of it unconstitutional](#)

Journal Sentinel

The new law would require 70% of any settlement to go to local governments and 30% to the state. All the money would have to go toward efforts to address opioid abuse and could not be diverted to other government programs.

In [a signing statement](#), Evers wrote that he approved the law because he believed it would maximize the amount of money the state and local governments would receive to fight opioids.

He took issue with a part of the measure that gives lawmakers the power to sign off on the settlements. He argued that portion of the law violates the state constitution’s separation-of-powers doctrine, which stipulates what duties belong to each branch of government. Prosecutors — part of the executive branch — should be able to craft settlements without the say of the legislative branch, he contended.