

California Opioid Settlements 101

Overview

- » Background on the Settlements & Bankruptcies
- » Governing Documents
- » Allowable and Unallowable Uses of Funds
- » Reporting Requirements
- » Resources
- » Q&A

Disclaimer

- » This presentation includes a summary of the National Opioid Settlement Agreements, California State-Subdivision Agreements, National Opioid Bankruptcy Agreements, and the California Statewide Abatement Agreement. In the event of any discrepancies, the settlement and bankruptcy agreements, the California State-Subdivision Agreements, the California Statewide Abatement Agreement, and related court orders supersede this presentation.

Background on California's Opioid Settlement & Bankruptcy Agreements

Frequently Asked Questions



Which settlements and bankruptcies have been finalized in California?

How much money has California received to date from opioid settlements and bankruptcies?

California Opioid Settlements Overview

- » During the course of the opioid overdose epidemic, state, local, and tribal governments brought lawsuits against pharmaceutical and drug distribution companies to remediate effects of the opioid crisis.

- » California has final settlement and bankruptcy agreements with the following manufacturers and distributors. Cities and counties are required to report on payments and expenditures from these settlements and bankruptcy annually to DHCS.
 - Allergan
 - CVS
 - Distributor
 - Janssen
 - Kroger
 - Mallinckrodt
 - Teva
 - Walgreens
 - Walmart

*Additional agreements are pending. More information about final and pending agreements can be found on the California Attorney General's [website](#).

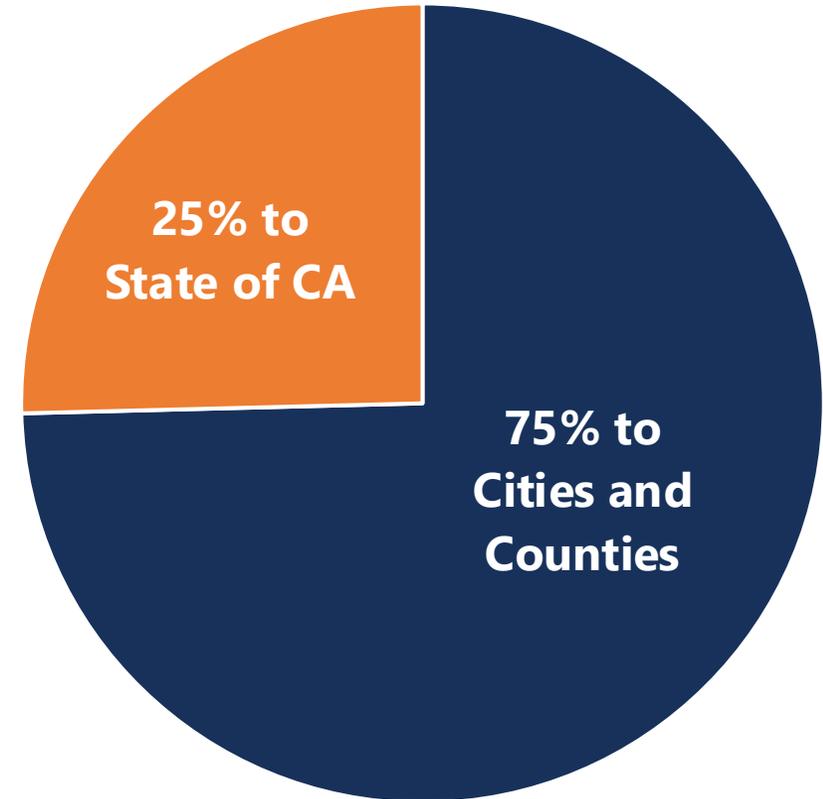
Endo & McKinsey

- » There are additional settlement and bankruptcy payments distributed to cities and counties that are **not under DHCS oversight**, and cities and counties are not required to report them annually to DHCS.
 - In 2021, California finalized the **McKinsey Settlement** which is separate from the National Opioid Settlements and was paid directly to the state and its cities and counties.
 - In 2024, the **Endo Pharmaceuticals** bankruptcy was finalized, resulting in a one-time payment made directly to the state and its cities and counties.

*More information about these agreements can be found on the California Attorney General's [website](#).

Payments to California

- » As of August 2025, California has received over **\$1.5 billion** from the opioid settlements and bankruptcies.
- » Of this amount, **\$1.1 billion**, or 75% was paid directly to cities and counties.
- » Over **\$397 million**, or 25% was paid directly to the State of California.



*Amounts include McKinsey payments made to the state but not McKinsey payments made to cities and counties.

Opioid Settlements Oversight Entity

» The [Department of Health Care Services](#) (DHCS) oversight responsibilities include:

- 1 Monitoring cities and counties for compliance
- 2 Designating additional high-impact abatement activities
- 3 Conducting related stakeholder engagement
- 4 Preparing annual reports

» DHCS does not make payments to cities and counties. All payments come from BrownGreer PLC (settlements) or NOAT II (Mallinckrodt bankruptcy).

Governing Documents for the Opioid Settlements: State Subdivision Agreements

Frequently Asked Questions



How much is allocated to cities & counties vs. the state?

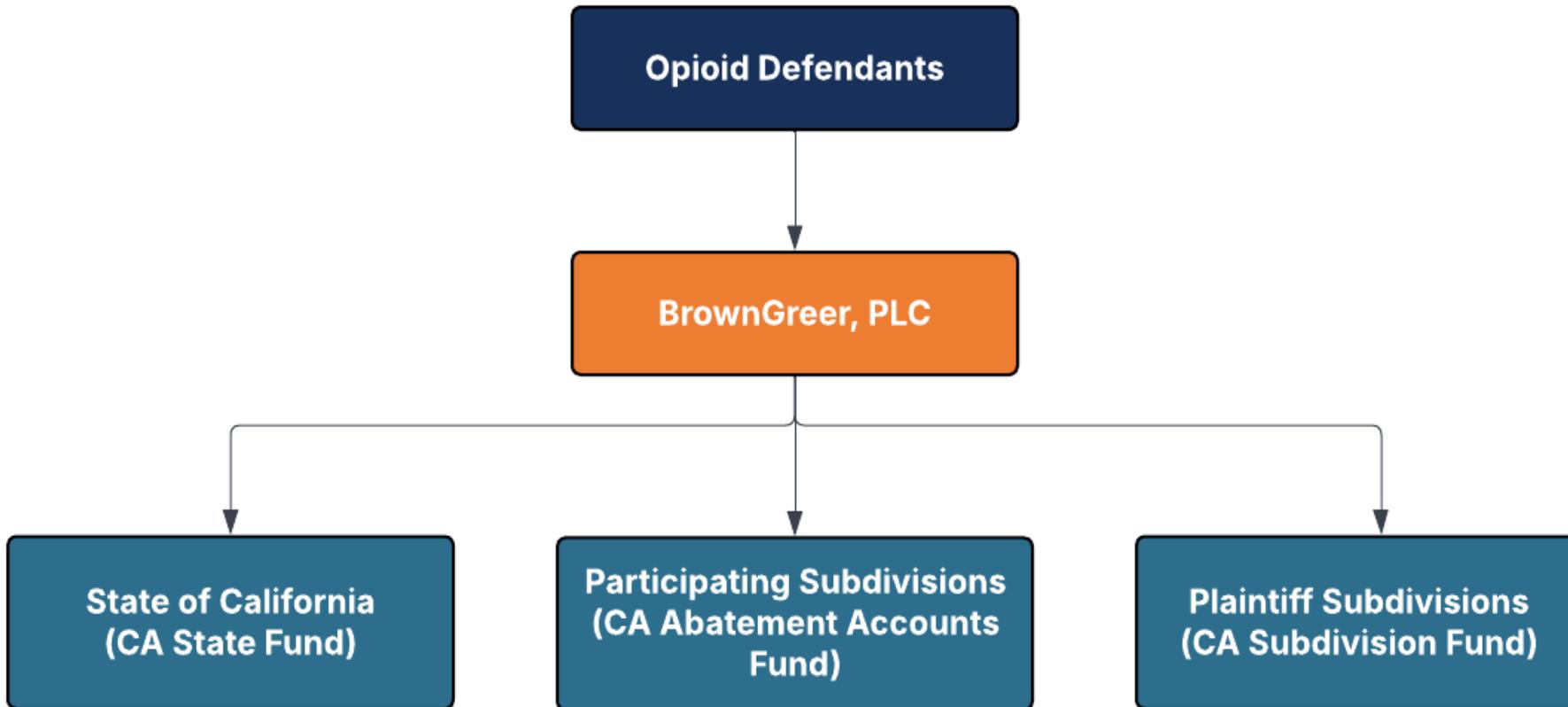
Can we use funds for administrative expenses?

State-Subdivision Agreements

- » As national agreements were finalized, states and their subdivisions had the ability to structure settlement allocations according to their preferences.
- » The State of California and counsel representing cities and counties reached an agreement to define the allocations and uses of payments from the National Opioid Settlements.
- » These agreements, referred to as the [State-Subdivision Agreements](#), govern allocations and expenditures in California.
- » These agreements are formally accepted and adopted by California cities and counties through the sign-on process.*

*Cities may opt-out of receiving direct payments each year, after they have signed on to a specific settlement.

Distribution of Funds



Division of Funds

Allocation Type	Recipient	Allowable Uses
California State Fund (15%)	State of California	Funds must be used by the State for future Opioid Remediation.
California Abatement Accounts Fund (70%)	Participating Subdivisions	Funds must be used for future Opioid Remediation in one or more of the areas listed in Exhibit E of the Settlement Agreements; AND
		No less than 50% of the funds received in each calendar year will be used for one or more High Impact Abatement Activities.
California Subdivision Fund (15%)	Cities and counties that were Initial Plaintiff Subdivisions	Funds must be used for future Opioid Remediation activities and to reimburse past opioid-related expenses, which may include litigation fees and expenses.

How to Think About Each Fund

Allocation Type	Purpose
California State Fund (15%)	<ul style="list-style-type: none">• Funding for big, statewide projects• A little funding for settlement oversight and monitoring
California Abatement Accounts Fund (70%)	<ul style="list-style-type: none">• Funding to all participating cities and counties for opioid remediation, with clear restrictions on its uses• Minimal amount available for administrative or indirect costs
California Subdivision Fund (15%)	<ul style="list-style-type: none">• Funding to a smaller subset of cities and counties who filed initial litigation, and therefore have legal costs to recoup• Flexible funding for opioid-related projects; not restricted to Exhibit E

Settlements With This Structure

- » Most of the settlements follow the 15/70/15 State-Subdivision Agreement allocation structure.

Allergan

Distributor

Kroger

Walgreens

CVS

Janssen

Teva

Walmart

Opioid Settlements Allow for Administrative Costs

- » The National Opioid Settlement Agreements notes that allowable expenditures may include “reasonable related administrative expenses.”
- » The [DHCS’ Reasonable Administrative Cost Policy](#) for the CA Abatement Accounts Fund further defines this, allowing 10% of the total amount allocated to the Opioid Remediation activity/program.
 - While the CA Subdivision Fund does not have a specific administrative cost policy, Plaintiff Subdivisions are encouraged to adhere to the policies listed in the [DHCS’ Reasonable Administrative Cost Policy](#) .

Website Navigation: Payment Information

» Looking for more information about settlement/bankruptcy distributions and future payments?

1. BrownGreer PLC published a resource detailing current and future settlement payments
2. Visit the **Payment Information** tab on the [CA Opioid Settlements Webpage](#)



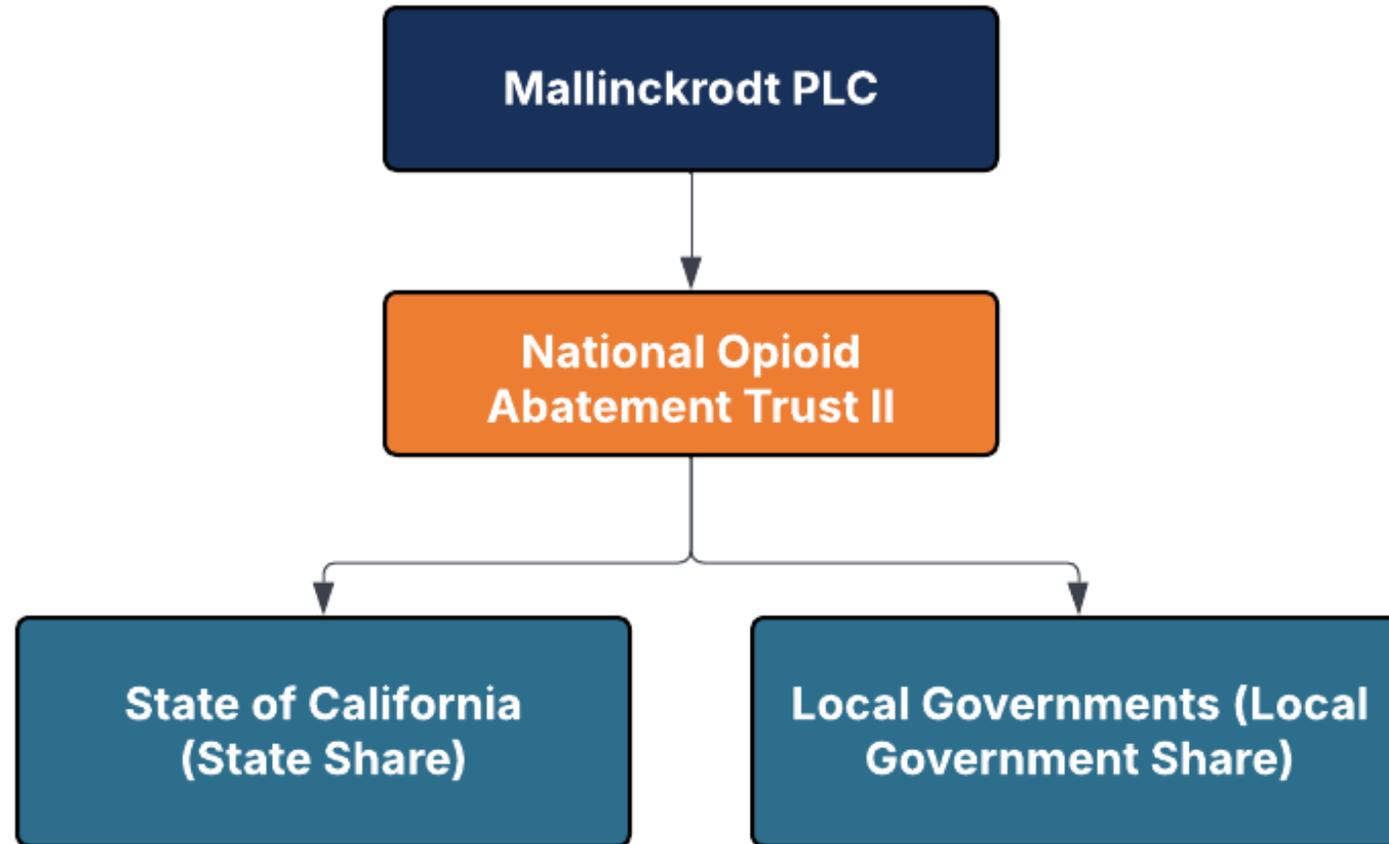
The screenshot shows the DHCS website interface. At the top, there is a navigation bar with social media icons (CA, Home, Facebook, LinkedIn, Instagram) and links for Home, About DHCS, and Translate. Below this is the DHCS logo and a secondary navigation menu with icons for Services, Individuals, Providers & Partners, Laws & Regulations, Data & Statistics, Forms & Publications, and Search. The main content area is titled "California Opioid Settlements / Payment Information". On the left, there is a sidebar menu with options: Allowable Expenditures, Reporting Requirements, **Payment Information** (highlighted), California Opioid Settlements Expenditures Report, and Resources & Technical Assistance. The main content area features a "Payment Information" heading followed by a "National Opioid Settlements Distribution" heading. Below this, it states: "California's allocation from the National Opioid Settlements will be distributed by the National Settlement Administrator as follows:" and lists three bullet points: 15% allocated to the State of California to use for future opioid remediation activities (California State Fund); 70% allocated to Participating Subdivisions to use for future opioid remediation activities (Abatement Accounts Fund); and 15% allocated to Plaintiff Subdivisions to use for future opioid remediation activities and to reimburse past opioid-related expenses (California Subdivision Fund).

Governing Document for the Opioid Bankruptcies: Statewide Abatement Agreement

Statewide Abatement Agreement

- » California and counsel representing cities and counties also reached an agreement to further define local allocations, distributions, and uses of payments from the **Mallinckrodt** bankruptcy.
 - This agreement is referred to as the [Statewide Abatement Agreement](#).
- » The Statewide Abatement Agreement provides direct payments to cities and counties that elected direct payment in the National Opioid Settlement with the Distributors.
 - Individual allocations are connected to elections made by participating cities and counties for the National Distributors Settlement.
 - If a city did not elect direct payment in the National Distributors Settlement, then the funds are distributed to the county in which the city is located.

Distribution of Funds



Division of Funds

» The Mallinckrodt bankruptcy follows this funding allocation structure:

Allocation Type	Recipient	Allowable Uses
State Share (40%)	State of California	Funds must be used for future opioid remediation in one or more of the opioid remediation activities listed in Exhibit 4 of the Mallinckrodt Bankruptcy Plan (Exhibit E of the National Opioid Settlement Agreements).
Local Government Share (60%)	Local Governments (participating cities and counties)	

How to Think About Each Fund

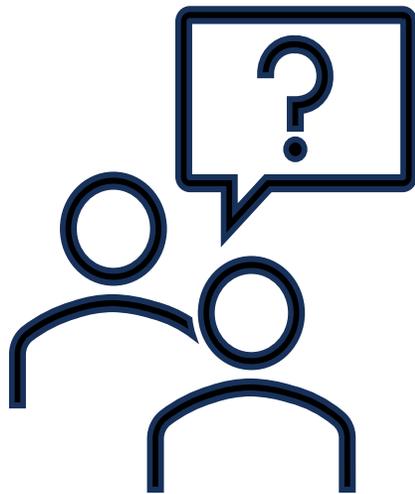
Allocation Type	Purpose
State Share (40%)	<ul style="list-style-type: none">• Funding for statewide projects, subject to Exhibit E• Minimal amount available for administrative or indirect costs
Local Government Share (60%)	<ul style="list-style-type: none">• Funding to all participating cities and counties for opioid remediation, subject to Exhibit E• Minimal amount available for administrative or indirect costs

Administrative Costs

- » Local Governments may use a portion of their Mallinckrodt funds to pay for reasonable related administrative expenses.
 - Indirect costs must not exceed five percent (5%) of the total allocation, as outlined in the [California Mallinckrodt Statewide Abatement Agreement](#).

Allowable and Unallowable Uses of Funds

Frequently Asked Questions



Are there requirements for how cities and counties can spend these funds?

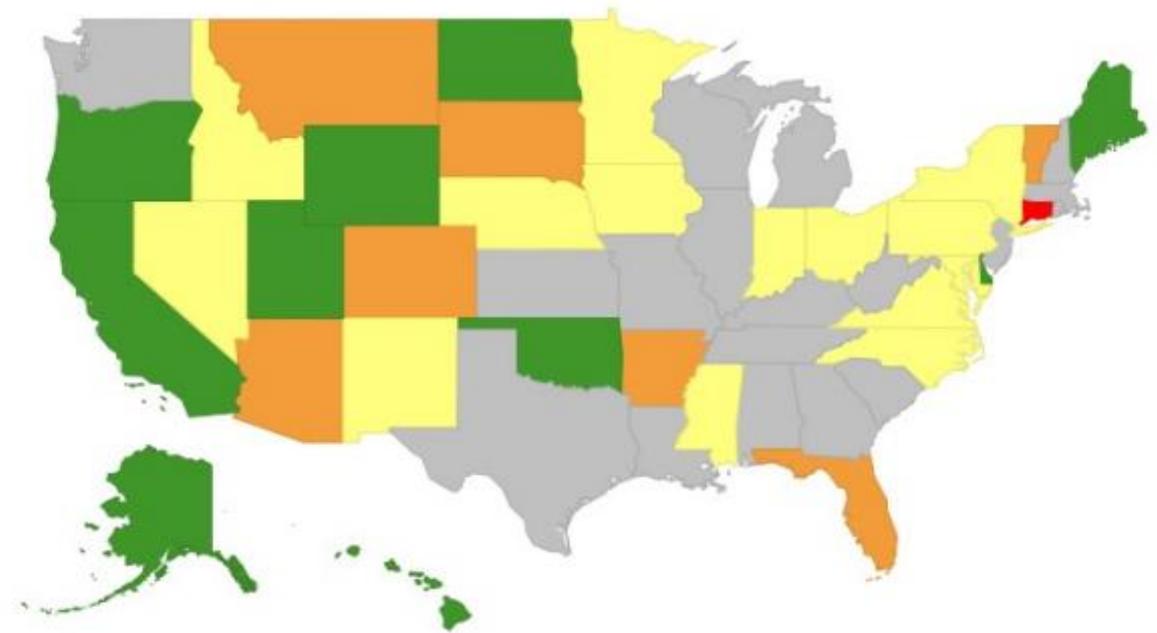
What is a High Impact Abatement Activity?

What happens if a city or county expends funds on an unallowable activity?

Big Tobacco Settlement Lessons

» Critics of the 1990s Tobacco Master Settlement Agreement note that while states continue to collect billions of dollars from the tobacco settlements, only a small fraction of those funds are spent on smoking prevention and cessation programs.

» Report available at: <https://www.tobaccofreekids.org/what-we-do/us/statereport>.



 States that are meeting CDC recommendation on tobacco prevention programs.

 States that are spending 50% - 99.9% of CDC recommendation on tobacco prevention programs.

 States that are spending 25% - 49.9% of CDC recommendation on tobacco prevention programs.

 States that are spending 10% - 24.9% of CDC recommendation on tobacco prevention programs.

 States that are spending less than 10% of CDC recommendation on tobacco prevention programs.

 States that have allocated no state funds for tobacco prevention programs.

Focus on Opioid Remediation

- » Unlike the Big Tobacco settlements of the 1990's, the National Opioid Settlement Agreements require funds to be spent on opioid remediation. The agreements clearly define allowable uses of these funds. Opioid Remediation is defined as the care, treatment, and other programs and expenditures designed to:

Address the misuse and abuse of opioid products

Treat or mitigate opioid use or related disorders

Mitigate other alleged effects of, including on those injured as a result of, the opioid epidemic

CA Abatement Accounts Fund Allowable Expenditures

- » Opioid remediation activities are listed in [Exhibit E](#) of the National Settlement Agreements.
- » Although each settlement or bankruptcy may refer to this list (Exhibit E) differently, they all reference the same list of approved opioid remediation activities.

Exhibit E

Schedule A (Core Strategies)

Targeted list of core strategies that should be prioritized

Schedule B (Approved Uses)

Comprehensive list of eligible opioid remediation activities

California's High Impact Abatement Activities

In addition to the opioid remediation activities outlined within Exhibit E, California has designated a set of six High Impact Abatement Activities (HIAA).

No less than fifty percent (50%) of the funds received by a CA Participating Subdivision from the Abatement Accounts Fund in each calendar year must be used for one or more of the HIAA.



List of California's High Impact Abatement Activities

No.	Activity
1	Provision of matching funds or operating costs for substance use disorder facilities with an approved project within the Behavioral Health Continuum Infrastructure Program (BHCIP)
2	Creating new or expanded substance use disorder (SUD) treatment infrastructure
3	Addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD
4	Diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction
5	Interventions to prevent drug addiction in vulnerable youth
6	The purchase of naloxone for distribution and efforts to expand access to naloxone for opioid overdose reversals.

CA Subdivision Fund Allowable Expenditures

- » Unlike the CA Abatement Accounts Fund, the CA Subdivision Fund is not restricted to Exhibit E uses.
- » Plaintiff Subdivisions may use funds from the CA Subdivision Fund to reimburse past-opioid related expenses. These may include:
 - Fees and expenses related to litigation, including funds held in backstop; and
 - Reasonable fees and expenses of the Special Master

CA Subdivision Fund Definitions

- » **Backstop Funds:** Plaintiff Subdivisions may choose to withhold funds from their CA Subdivision Fund payments to pay their contingency-fee counsel. These payments are made directly to contingency-fee counsel.
- » **Awarded Costs:** Reasonable payments to city or county attorneys and their staff who are employed by the Plaintiff Subdivisions for time spent litigating the opioid settlements.

If Plaintiff Subdivisions dedicate funds to past opioid related expenses, including litigation costs, these expenses must be reported to BrownGreer via a reporting portal.

How to Determine If Your City/County Is a Plaintiff Subdivision

- » **Step 1:** Visit the **Payment Information** tab on the CA Opioid Settlement Fund Website
- » **Step 2:** Scroll down to **“List Of Payments”** section and click the **“List of Settlement Payments”** Excel file
- » **Step 3:** Find your **city or county** and check whether you received payment(s) from the **“Subdivision Fund”**

Example: List of Settlement Payments (Excel)

	Beneficiary Name	Total Payment Amount	Date of Payment
	California		
L14	Allergan Payment 1 - Abatement Fund	\$46,524.73	8/15/24
L15	Allergan Payment 1 - Subdivision Fund	\$12,664.86	8/15/24
L16	Allergan Payment 2 - Abatement Fund	\$44,991.06	8/15/24
L17	Allergan Payment 2 - Subdivision Fund	\$12,247.37	8/15/24
L18	CVS Payment 1 - Abatement Fund	\$53,178.50	8/15/24
L19	CVS Payment 1 - Subdivision Fund	\$13,940.19	8/15/24
L20	CVS Payment 2 - Abatement Fund	\$41,688.83	8/15/24
L21	CVS Payment 2 - Subdivision Fund	\$10,928.29	8/15/24
L22	Distributor Payment 1 - Abatement Fund	\$124,448.98	11/15/22
L23	Distributor Payment 1 - Subdivision Fund	\$27,910.83	11/15/22
L24	Distributor Payment 2 - Abatement Fund	\$130,789.81	12/30/22
L25	Distributor Payment 2 - Subdivision Fund	\$29,332.93	12/30/22

Unallowable Uses of Funds

» Activities that are **not allowable** include the use of settlement funds to:

- Cover administrative costs that are not reasonable or beyond 10%;
- Pay the salaries and benefits of individuals not performing Opioid Remediation activities;
- Pay for non-FDA-approved medications, medical services, or services not related to treatment of SUD or mental health conditions;
- Develop infrastructure or invest in equipment not directly related to prevention, treatment, or recovery services, or other expenses not directly related to Opioid Remediation activities.



If DHCS determines that a Participating Subdivision's use of CA Abatement Accounts Funds is **inconsistent with eligible uses**, records may be requested as part of a meet and confer, an audit, or legal action.

Website Navigation: Allowable Expenditures

- » Looking for more information about allowable expenditures and High Impact Abatement Activities?
 - Visit the **Allowable Expenditures** tab on the [CA Opioid Settlements Webpage](#)

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DHCS Reporting Requirements

Frequently Asked Questions



What are the reporting requirements for these funds?

How can I see how other cities and counties are spending their funds?

Reporting Requirements

- » Cities and counties receiving funds from the opioid settlements and bankruptcies are required to complete annual reporting to DHCS.
 - DHCS has created an annual reporting form for cities and counties to meet this requirement.
- » Cities and counties will report on payments received and expenditures during the State Fiscal Year which runs from July 1 to June 30.
- » Reporting is **not required** for the McKinsey settlement or Endo bankruptcy.

Reporting Form

Annually, the DHCS team hosts a webinar to preview the reporting form.

The reporting form is open from **July 1 to September 30.**

Annual Report

- » Per the California State-Subdivision Agreements, DHCS will prepare an annual written report regarding the State's use of funds from the settlements until those funds are fully expended and for one year thereafter.
 - These reports will be made publicly available on the DHCS web site.
 - DHCS will also host a public meeting to discuss the report and the Opioid Remediation activities being carried out by the State and Participating Subdivisions.

The [22-23 Annual Report](#) is available on the DHCS website



Website Navigation: Reporting Requirements

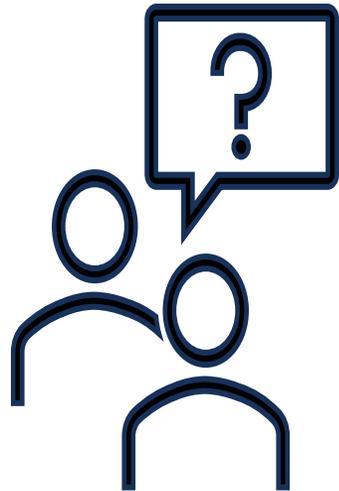
» Looking for reporting guidance and resources?

- Visit the **Reporting Requirements** tab on the [CA Opioid Settlements Webpage](#)

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Resources

Frequently Asked Questions



What are best practices for allocating settlement funds?

How do we request technical assistance?

Where can I find additional opioid settlement resources?

Best Practices for Allocating Funds

- » When allocating funds, Participating Subdivisions should consider:
 - Investing in evidence-based practices with a focus on those listed in California's HIAA and the Core Strategies (Schedule A) of Exhibit E.
 - Supplementing current successful efforts.
 - Creating a transparent process for planning, including engaging people with lived experience and people working in SUD prevention, treatment, harm reduction and recovery to understand community needs.

Evidence-Based Strategies

- » There is a substantial body of evidence demonstrating successful interventions for opioid use disorder. Participating Subdivisions should use this information to make funding decisions.
 - For example, Medications for Opioid Use Disorder (MOUD) are proven to increase retention in treatment and reduce the risk of overdose. Strategies for treatment should include organizations or treatment providers that provide or endorse the use of MOUD.
- » Below are best practice resources that can help identify evidence-based strategies:
 - [Johns Hopkins University](#), [RAND](#) and [NASHP](#).
 - [Substance Use Prevention Evidence-Based Resource](#) is a centralized resource containing information on innovative substance use prevention practices.

Prioritize Core Strategies and HIAA

- » Prioritize strategies listed in Schedule A “Core Strategies” of Exhibit E.
 - Core Strategies can be found in [Exhibit E](#) and in the [Allowable Expenses](#) resource.
 - [Johns Hopkins School of Public Health](#) has created a resource with more information on evidence-based programs that fit within the Core Strategies.
- » Ensure that at least 50% of CA Abatement Account funds are spent on High Impact Abatement Activities.
 - Many activities outlined within Exhibit E can qualify as HIAA depending on their focus.

Leverage Existing Community Capacity

- » Focus on strengthening and expanding current opioid remediation efforts rather than creating new programs or supplanting efforts.
- » Look for organizations already doing opioid remediation work in your jurisdiction and connect with them to learn about their needs.
- » Local entities who are likely working on this include:

County Public
Health
Departments

County
Behavioral
Health
Departments

Harm
Reduction
Programs/
Syringe Service
Programs

Local Opioid
Coalitions

Local SUD
Treatment
Providers

Local
Hospitals and
Clinics

Have a Transparent Process

- » Invite individuals with lived experience to participate in planning discussions, and/or allocate a set number of seats on planning councils for individuals with lived experience.
- » Seek out input from a wide variety of groups during planning, including experts in SUD treatment, organizations working directly with youth and people who use drugs, law enforcement personnel, recovery community organizations, and social service organizations.
 - In addition, include any city or county departments who may provide services in accordance with the opioid remediation activities outlined in Exhibit E and California's HIAA.
- » Solicit input from the public to help raise the profile of the plans and give those community members with unique perspectives the opportunity to provide feedback.

Requesting Technical Assistance

- » DHCS offers technical assistance to Participating Subdivisions interested in reviewing eligible opioid remediation activities, expense tracking, and reporting requirements under the California Opioid Settlements.
- » Cities and counties should visit the Resources and Technical Assistance tab on the [DHCS Opioid Settlements webpage](#).

Guidance Letters to Cities and Counties

- » In January 2024, DHCS released two guidance letters to Participating Subdivisions, known as Behavioral Health Information Notices (BHINs).
- » Cities and counties should refer to these documents for the current policies related to allowable uses and reporting requirements for the [CA Abatement Accounts Fund](#) and [CA Subdivision Fund](#).
- » The CA Abatement Accounts Fund guidance letter also includes:
 - Enclosure 1: [California Opioid Settlements Reasonable Administrative Cost Policy](#)
 - Enclosure 2: [California Opioid Settlements Glossary](#)
 - Attachment: [California Opioid Settlements Allowable Expenditures](#)

**Updates to the BHINs and accompanying documents are pending. Revised versions will be released soon.*

Website Navigation: Resources & Technical Assistance

» Looking for fact sheets, FAQs, and past webinar recordings?

- Visit the **Resources & Technical Assistance** tab on the [CA Opioid Settlements Webpage](#)

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Upcoming Resource: California Opioid Settlement and Bankruptcy Overview

- » This resource will outline the key differences among California's opioid settlements and bankruptcies.
- » The document will be posted to the **Resources & Technical Assistance** tab on the [CA Opioid Settlements Webpage](#).

Funding Source	Settlement Administrator	Reporting Required to the Settlement Administrator	Expenditure Requirement	HIAA Requirement	Can funds be used to reimburse Past Opioid Related Expenses?	Administrative Cost Maximum	Expenditure Period
CA Abatement Accounts Fund (Settlements)	BrownGreer PLC	No, all reporting is completed with DHCS.	All funds, including any interest earned, must be dedicated to Opioid Remediation (limited to the activities listed in Exhibit E).	Yes, at least 50% must be spent on activities outlined in Exhibit E AND HIAA. ¹	No	Shall not exceed 10% of the total amount allocated to the Opioid Remediation activity. See Reasonable Administrative Costs Policy .	Funds must be expended or encumbered within five years of receipt or seven years for capital outlay projects.
CA Subdivision Fund (Settlements)	BrownGreer PLC	Yes, Plaintiff Subdivisions must complete annual reporting with BrownGreer if they have spent funds on past litigation expenses.	Opioid Remediation (not limited to the activities outlined in Exhibit E).	No	Yes, Plaintiff Subdivisions may reimburse themselves for past opioid-related expenses, including litigation fees and costs.	No explicit requirement. Plaintiff Subdivisions are encouraged to follow DHCS Reasonable Administrative Cost policy.	No explicit requirement. Plaintiff Subdivisions are encouraged to expend or encumber funds within the same timeframes as the CA Abatement Accounts Fund.

DHCS Opioid Settlement Website



- » When on mobile: tap the gold line next to “California Opioid Settlements” tab to see the other information tabs.
 - <https://www.dhcs.ca.gov/provgovpart/Pages/California-Opioid-Settlements.aspx>

Q&A

How to Raise Your Hand

- » On your control panel, click "**Reactions**", then click "**Raise Hand**".*
 - The host will be notified that you've raised your hand and place you in our queue.
 - When it is your turn to talk, you will be prompted to unmute yourself. Please accept this prompt to ask your question.
 - You must have the recent updates from Zoom installed to see this feature. If you do not see the "Raise Hand" feature, please update your platform.

- » In the control panel, click "**Lower Hand**" to lower it, if needed.
 - This will not mute you if you are unmuted.

- » Users can also raise or lower their hand with the Alt+Y (Windows) or Option+Y (macOS) keyboard shortcuts, or selecting "*9" if dialing in.

Thank you!

OSF@dhcs.ca.gov

