



## Opioid Abuse Advisory Committee

**Special Meeting Minutes**  
**Friday, July 1, 2022**

**Zoom Video Conference**

The special meeting of the Opioid Abuse Advisory Committee was called to order by Advisory Committee Chair Laura Streich at 9:00 am CT. The following members of the Advisory Committee were in attendance: Becky Heisinger, Sara DeCoteau, Margaret Hansen, Amy Hartman, Tiffany Wolfgang, Amanda Bacon on behalf of Kristen Carter, Kari Shanard-Koenders, Aaron Hunt, Melanie Weiss, Heidi Hanzlik on behalf of Tosa Two Heart, Jennifer Ball, Brian Mueller, Jill Franken, Dayle Knutson and Jason Foote.

State and program staff in attendance included: Joan Adam, Laurie Gill, Laura Ringling, Beth Dokken, Lori Martinec and Rachel Oelmann (contracted project support from Sage Project Consultants, LLC).

**Minutes Approval.**  
Not applicable.

### **Background Information Provided**

South Dakota stands to receive approximately \$54 million from a global settlement with several major pharmaceutical distributors over the next 18 years. South Dakota is slated to receive its first payment from the settlements this summer. All funds must be used for opioid abatement and remediation. HB 1038 from the 2022 Legislative Session created the appropriate state fund and structure for disbursement with 70% of funds coming to the state and 30% being paid directly to counties and cities with populations over 10,000.

Pursuant to the National Settlement Agreement, an Opioid Settlement MOA must be executed between the State and Participating Local Governments. All 71 participating cities and counties will need to sign the MOA once it is finalized and participating local governments will not be able to receive the first settlement payment until the MOU is fully executed.

The draft MOA is based directly on the National Settlement Agreement provisions. The content mirrors the National Settlement Agreement where necessary but also includes provisions specific to South Dakota's structure—such as the membership composition and duties of this committee. The intent of this meeting is for the Opioid Abuse Advisory Committee to review and approve the draft.

### **Welcome & Initial Comments**

Laura Streich welcomed the Advisory Committee members and guests. She began by introducing new members of the coalition and did introductions. The outcome of the meeting was set to review the terms of the opioid settlement. Streich welcomed the new Advisory Committee chair, Lori Martinec, in her role as the new Opioid Program Director for Department of Health.

## **Presentation – Opioid Settlement Fund Overview**

Presented by Laura Ringling, who provided a summary of the background information. Ringling clarified that the designation for distribution of funds between state and cities is driven by the national memorandum of understanding. There are 71 participating cities and counties in South Dakota; all of them will need to sign the joint memorandum. Today's discussion is to agree upon the agreement language prior to sending it out to the participating cities and counties.

### ***Overview of the MOA***

- Page 1 and 2 – contains definitions, allocation percentages, and reference to the codified law governing the funds.
- Page 3 – noted that there were 8 counties that did not agree to sign on to the agreement; this does not remove them from eligibility to receive the state level funds. Any non-participating percentages will go to the statewide share.
- Page 4 – reviews distribution of funds, going directly to the state to be administered by the Department of Social Services. Funds to the participating counties and cities will be passed directly to them and not passed through the state. Compliance certification and reporting terms also included here.
- Page 5 – intentionally broad so no one party was charged with policing the terms of the agreement; any party to the agreement can raise an issue. Advisory committee terms and memberships defined.
- Page 6 – Committee is defined, consistent with current membership, and meeting frequency which aligns with the existing Opioid Abuse Advisory Committee schedule.
- Page 7 – includes general provisions of the agreement.
- Pages 18-29 – signature pages
- Exhibit A – approved uses for the funding, all of which are from the national settlement agreement. Ringling noted that many of the activities listed are already being accomplished at the state level, so funds can be used to enhance or expand, or support new activities not already funded.
- Exhibit B – outlines distribution percentages.
- Exhibit C – Behavioral Health Region map, relevant to the appointment of new committee members.

Ringling opened for discussion and questions.

- Heisinger asked about the distribution of funds over time – is it awarded annually or over time? Ringling provided insight that one payment will be made for year 1, \$1.7M in total. Subsequent payments are made over the next 18 years, with the structure set up to receive higher payments in the first 5 years and then lower in subsequent years. A call is pending with the settlement administrator next week with the Governor's office so more details may be learned at that time.
- Knutson asked about the distribution of funds between counties and cities – per Ringling, all counties were eligible to receive funds, and cities over the population of 10,000 were included. This was determined in the national settlement agreement.
- Knutson asked if there has been any consultation with the tribes – Ringling reported that there is a separate \$590M tribal settlement, and tribes will be going through a similar process. <https://www.tribalopioidsettlements.com/> is a resource to consider. That said, there is nothing that prevents money from the statewide or local share from being granted out to activities on tribal lands or to tribes directly.

- Franken asked about the reporting requirement language and if the state had additional reporting requirements added into the MOA – Ringling noted that the particulars of the reporting requirements were not outlined in the national agreement, but that reporting needed to be done. The state crafted a plan to provide for end of fiscal year reporting, to align with traditional year-end reporting, and minimum requirements for reporting. Streich relayed that this high-level information will be included in the joint legislative report prepared annually.
- Heisinger asked to clarify the disposition of funds to rural communities – Ringling advised that smaller communities with less than 10,000 population would be eligible to receive funds through the county share, through the state share for programs that qualify, and that anyone would be welcome to join the Opioid Abuse Advisory Committee meeting to discuss needs and request funding as part of the public comment available.
- Franken asked to clarify that there is no pre-approval of funds required for county or city use of funds. Ringling advised that cities and counties must align with the MOA they sign and that there is a process for any perceived violations of use that can be brought forth to the appropriate jurisdictions outlined in the MOA.

Hearing no further questions or objections, Ringling advised that no formal vote is needed to move forward and that the Governor’s office would move forward. This process will begin in July. Once the agreement is fully signed, the state is eligible to receive its first payment.