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Testimony of Representative Charlotte Warren presenting
LD 1722, “An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers”
before the Joint Standing Committee on Health and Human Services

Good morning Senator Claxton, Representative Meyer and distinguished members of the Joint Standing Committee on Health and Human Services. My name is Charlotte Warren and I represent House District 84 which includes the city of Hallowell, and the towns of Manchester and West Gardiner. Thank you for the opportunity to testify in support of **LD 1722, An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers.**

Mainers know too well the struggles and impacts of alcohol, opioids and other prescribed and illegal drugs. Most of us understand the substance use epidemic personally – through the death or near-death of someone close to us – a friend, a loved one, a neighbor. Tragically, deaths from drug overdose remain on the rise, as reported by Maine Attorney General’s reports in 2019 and 2020, and the COVID-19 pandemic has only compounded the problem over the past year. The reality is that Maine families and communities across the state and across generations continue to be devastated by the fiscal, social, and emotional costs of untreated addiction. We simply must do more to address all forms of problematic substance use. But to help – we need resources.

Other than Nebraska, all states, including Maine, and more than 2,500 municipalities, counties, Indian tribes, and individuals have filed lawsuits against companies involved in opioid drug production, including opioid manufacturers and distributors, in their respective state and federal courts.^{1,2} With millions of dollars from the litigation now coming into our state, it is crucial that we establish guardrails and oversight so we can make best use of these funds.

¹ <https://apnews.com/article/2ca3e7d1501643b7aea0feeb2bed3929>

² <https://www.npr.org/sections/health-shots/2019/10/15/761537367/your-guide-to-the-massive-and-massively-complex-opioid-litigation>

Specifically, it is imperative for public health and safety that all money received by the State as a result of lawsuits related to opioid manufacturers and distributors be used to help remediate and abate the opioid and substance use crisis. These resources should support all paths to recovery through prevention, intervention, treatment and recovery services, including access to all United States Food and Drug Administration (FDA) approved medications for opioid and alcohol use disorders. We should also look to use this money to expand access to *other* best practices – including managed detoxification, individualized patient assessment, treatment and recovery planning and services, counseling, services for co-occurring mental illness, provider education, diversion control, relapse prevention, and adequate reimbursement rates for providers.

LD 1722 will protect and direct these funds, so that they are used effectively to address the very problems created by the defendant drug companies – ensuring that the treatment and recovery systems for patients with opioid use disorder (OUD) and substance use disorders (“SUD”) are seamless, easily accessible, and individualized to meet patients *where they are* in their recovery journey. Despite the increased awareness of the substance use crisis in our state, our current treatment and recovery system continues to be under-funded. These additional, multi-year resources could prove vital in our ability to finally get a hold on this epidemic.

LD 1722:

- Establishes a dedicated trust fund to receive and house the monies.
- Establishes a multistakeholder Council to determine how the settlement monies are spent.
- Identifies what the settlement monies are to be spent on.
- Ensures that settlement monies do not supplant programs.

In order to remove barriers to care and to support all paths to recovery, the bill directs the litigation funds to support:

Access to the full continuum of care

- Including screening, assessment and evidenced-based services in all treatment and recovery settings through capacity building and successful transitions of care in hospitals and emergency rooms, in detox facilities and in inpatient, residential and outpatient settings, primary care, community health and mental health centers, correctional facilities and community supervision, recovery housing and other recovery and community support services.

Access to all treatment options

- So that treatment is individualized, comprehensive, and patient-centered, and so that all FDA-approved medication-assisted treatment (“MAT”) options are accessible.³

Adequate and appropriate reimbursement for all evidence-based services, throughout the continuum of care

Access to services in communities with geographic and transportation barriers

- Since we know it is critical in a rural state like Maine, that we establish treatment options that include the full range of psychosocial supports and MAT in areas with geographic and/or transportation challenges. Appropriate reimbursement for mobile health services,

³ MAT is the combination of FDA-approved medications for opioid and/or alcohol use disorder used in conjunction with psychosocial support. SAMHSA/HRSA Medication Assisted Treatment. <https://www.integration.samhsa.gov/clinical-practice/mat/mat-overview>

telemedicine, and pharmacist administration of certain medications, particularly in rural areas, will help us expand access to needed services throughout the state.

Statewide education for healthcare providers and community organizations

- Providers and community recovery organizations should be fully educated and resourced to offer all evidenced based options and recovery supports.

Because of the dire nature of this crisis, I have introduced this bill as an emergency. My hope is that we can enact this legislation so the money – some of which is already sitting in an account – can be accessed immediately and put to use to help save our friends, colleagues and community members – who we are losing to overdose at a rate of [more than one per day](#).

These settlements represent a once in a lifetime opportunity to improve the treatment and recovery systems for those suffering from OUD and other substance use disorders and co-occurring mental health disorders. We implore you to ensure that these monies are protected, do not supplant current budgets, and provide access to comprehensive patient-center treatment.

Thank you for your consideration.