

March 30, 2022

Hon. Delores G. Kelley, Chair
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Maryland Senate Finance Committee on House Bill 0794: Public Health – Opioid Restitution Fund Advisory Council

Several faculty at The Johns Hopkins School of Public Health worked with a coalition of more than 50 professional, academic, advocacy, and consumer groups across the country to develop a document entitled *Principles for the Use of Funds from the Opioid Litigation*. This set of [five guiding principles](#) is intended to help states and localities best use funds from the opioid litigation.

The Principles call on states and localities to utilize best practice interventions proven to save lives and advocate for inclusivity and transparency in decision-making and to focus on racial equity. The Principles have been used by multiple other states as a guide for legislation related to their opioid abatement funds.

In general, House Bill 0794 is consistent with the Principles, and we commend Del. Rosenberg for the bill's introduction and urge its passage. Based on the Principles, we have several recommendations for enhancing the legislation.

- Principle #1: Spend Money to Save Lives

This principle calls on states to establish a dedicated fund, require that the dollars be used to supplement rather than supplant existing funding, and report to the public on where the money is going.

Existing legislation (2019 MD HB 1274) established a dedicated fund for all the opioid litigation dollars. This bill does contain language requiring that the funds supplement, rather than supplant, existing spending.

This draft legislation does require that the expenditures from the fund are reported publicly, but does not require that the programs report on their goals and the measures that they will use to determine success.

Under the legislation, the governor is tasked with the development of goals, objectives and performance measures, and with reporting how and where the funds are used, as well as progress towards the goals and objectives.

We recommend that the Council be charged with compiling an annual report. The annual reports should be public facing. An effective method to implement this is for the Department to

create and maintain a website where the committee can publish meeting minutes, approved expenditures of money from the fund, recipient reports, and the committee's annual reports.

- Principle #2: Use Evidence to Guide Spending

This principle calls upon states to direct funds to programs supported by the evidence, remove policies that may block the adoption of programs that work, and build data capacity.

In addition to what is outlined in the existing legislation, this draft legislation does clearly set out requirements that either the dollars go to evidence-based programs, or that research is conducted to assess the outcomes of evidence-informed programs that receive funding.

The draft legislation does not set out any requirements regarding an assessment of policies that may be blocking the adoption of evidence-based programs. We recommend that the Council, as part of its work, identify state laws or regulations that are blocking the adoption of evidence-based programs.

- Principle #3: Invest in Youth Prevention

This principle calls upon states to direct funds to evidence-based youth prevention activities. The draft legislation does identify prevention as an appropriate use of opioid litigation dollars. We recommend that the Council assess the adequacy of the states' youth primary prevention programming as part of its annual report.

- Principle #4: Focus on Racial Equity

This principle calls upon states to invest in communities affected by discriminatory policies, support diversion from arrest and incarceration, fund anti-stigma campaigns, and involve community members in solutions.

The draft legislation requires that the Council appoint a person who is disproportionately impacted by SUD and disparities in access to care and requires the members of the Council to reflect the diversity of the state.

It also calls upon the Council to address disparities as one of the criteria used when making funding recommendations and calls upon the committee to approve goals and indicators related to reducing disparities and improving health outcomes in traditionally underserved populations.

We recommend that the legislation include other actions related to racial equity, including requiring that the goals and priorities include goals related to reducing disparities and improving health outcomes for traditionally underserved populations; requiring that a section of the annual report describe how the funds have addressed racial equity; and requiring that the Committee solicit feedback from communities of color.

- Principle #5: Develop a Fair and Transparent Process for Deciding Where to Spend the Funding

This principle calls upon states to determine areas of need, receive input from groups that touch different parts of the epidemic to develop the plan, and ensure that there is representation that reflects the diversity of affected communities when allocating funds.

As discussed above, the legislation does include on the committee many different groups affected by the epidemic that reflect the diversity of the state.

We recommend that the legislation be broadened to support the use of funds to conduct needs assessments to help determine priority areas.

We appreciate the opportunity to review the Maryland House Bill 0794 and commend Maryland state policymakers for addressing this issue and working to ensure that all opioid settlement funds are used to address the opioid crisis and save lives. We encourage you to consider our recommendations to improve Maryland HB 794.

Sincerely,

Sara Whaley, MPH, MSW, MA

And

Joshua Sharfstein, MD

This testimony reflects our views and not necessarily the position of Johns Hopkins University.