



With Opioid Overdoses on the Rise, Cities and Counties File Suits

In March, the National Association of Counties (NACo) will hold a session about the current opioid crisis and updates on opioid related litigation. In 2017, several states and over 100 counties filed lawsuits against manufacturers and distributors of opioids to recover the costs they have borne in prevention efforts, treatment and services as well as jailing residents addicted to prescription painkillers and heroin. Specifically, representatives from Florida, New York, North Carolina and Wisconsin will provide updates on opioids litigation in their states.

In January, the Trump administration extended the [public health emergency declaration](#) on opioids first issued by the U.S. Department of Health and Human Services in October 2017. The declaration, which was set to expire on January 23, was extended for 90 days and will last through April 23. Administration officials indicated the extension would further direct national attention and resources to the opioid overdose epidemic in the United States, which accounted for 42,000 deaths in 2016, an increase of 28 percent compared to 2015.

Under the original declaration, the administration proposed to increase access to telemedicine for individuals with addiction in remote or rural areas, allow states to lift certain Medicaid restrictions for addiction treatments and develop an anti-drug public safety campaign. These proposals, however, have yet to take shape according to NACo representatives.

For more NACo coverage on opioids, please see the following resources:

Webinar Archived -

[*County Roles and Opportunities in Opioid Treatment for Justice-Involved Individuals*](#)

Feb. 8, 2018 , 2:00 pm – 3:15 pm

[**NACo and NLC Joint Report: A Prescription for Action: Local Leadership in Ending the Opioid Crisis**](#)

Trump administration extends public health emergency declaration on opioids -
<http://www.naco.org/blog/trump-administration-extends-public-health-emergency-declaration-opioids>

[**County News: Trump spotlights opioid epidemic**](#)

Current National Litigation

Current articles indicate that Judge Polster, a U.S. District judge from Ohio who is overseeing multidistrict litigation (MDL) of approximately 300 lawsuits against opioid makers, would rather curb the opioid epidemic than referee the litigation. Early in January 2018 at the first meeting of counsel in the opioid MDL, Judge Polser stated;

What's happening in our country with the opioid crisis is present and ongoing. I did a little math. Since we're losing more than 50,000 of our citizens every year, about 150 Americans are going to die today, just today...

In my humble opinion, everyone shares some of the responsibility, and no one has done enough to abate it. That includes the manufacturers, the distributors, the pharmacies, the doctors, the federal government and state government, local governments, hospitals, third-party payers and individuals. Just about everyone we've got on both sides of the equation in this case.

The federal court is probably the least likely branch of government to try and tackle this, but candidly, the other branches of government, federal and state, have punted. So it's here.

Transcript of Proceedings Before Honorable Dan Polster, United States District Judge and Honorable David Ruiz, United States Magistrate Judge

<https://assets.documentcloud.org/documents/4345753/MDL-1-9-18.pdf>

From the International Municipal Lawyers Association (IMLA), “Learn more about the ongoing litigation between local governments and opioid manufacturers. Erich Eiselt, IMLA’s Assistant General Counsel provides background information about the opioid crisis and the steps local governments are taking to seek damages for increased strains on local government resources and services.” [IMLA Municast Episode 2: Opioid Litigation](#)

NOTE: The IMLA is a non-profit organization dedicated to advancing the interests and education of local government lawyers. NACO is a member of IMLA and as such, we receive various membership benefits that assist us in better informing our members of current legislation and court cases. For additional information about IMLA, go to: www.imla.org

Editor's Note: Legal articles are a feature that will periodically appear in NACO E-Line. This article has been prepared by Elaine Menzel of the NACO legal staff. It is not intended to serve as legal advice. Rather, it is published to alert readers to court decisions and legal or advisory matters important to county government. For a specific opinion on how the information contained in this article or that which will be discussed in future issues relates to your county, consult your county attorney or personal counsel.