

RESOLUTION NO. 24-07-016

SPONSORED BY: Commissioners Nick Bright, Jared Anderson and Mike Caylor

**A RESOLUTION AUTHORIZING BLOUNT COUNTY TO
JOIN THE STATE OF TENNESSEE AND OTHER LOCAL
GOVERNMENTS IN AMENDING THE TENNESSEE
STATE-SUBDIVISION OPIOID ABATEMENT
AGREEMENT AND APPROVING THE RELATED
SETTLEMENT AGREEMENT**

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Tennessee, and Blount County, Tennessee.

WHEREAS, Blount County has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Tennessee and some Tennessee local governments have filed lawsuits against opioid manufacturers, distributors, and retailers, including many federal lawsuits by Tennessee counties and cities that are pending in the litigation captioned In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio) (the MDL case is referred to as the “Opioid Litigation”);

WHEREAS, Blount County has previously joined settlements with multiple pharmaceutical distributors, manufacturers, and retail pharmacies;

WHEREAS, Kroger Co., a retail pharmacy and grocery chain, has proposed a settlement that Blount County finds acceptable and in the best interest of the community;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 491 during the 2021 Regular Session of the 112th Tennessee General Assembly and was signed into law by Governor Bill Lee on May 24, 2021, which addresses the allocation of funds from certain opioid litigation settlements;

WHEREAS, the Tennessee legislature enacted Public Chapter No. 568 during the 2024 Regular Session of the 113th Tennessee General Assembly and was signed into law by Governor Bill Lee on March 15, 2024, which would apply the statutory provisions passed in 2021 to the new settlement with Kroger Co, if it becomes effective;

WHEREAS, the State of Tennessee, non-litigating counties, and representatives of various local governments involved in the Opioid Litigation have adopted a unified plan for the allocation and use of certain prospective settlement and bankruptcy funds from opioid-related litigation (“Settlement Funds”);

WHEREAS, the Tennessee State-Subdivision Opioid Abatement Agreement (the “Tennessee Plan”), attached hereto as “Exhibit A,” sets forth the framework of a unified plan for the proposed allocation and use of the Settlement Funds;

WHEREAS, amendments to the Tennessee Plan, attached hereto as “Exhibit B,” would extend its terms to the proposed Kroger Co. settlement and would clarify some language concerning the allocation of certain settlement funds; and

WHEREAS, participation in the settlement by a large majority of Tennessee cities and counties will materially increase the amount of settlement funds that Tennessee will receive from the pending proposed opioid settlement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BLOUNT COUNTY, TENNESSEE,

Section 1. That Blount County finds that the amendments to the Tennessee Plan are in the best interest of Blount County and its citizens because they would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. That Blount County hereby expresses its support for a unified plan for the allocation and use of Settlement Funds as generally described in the Tennessee Plan.

Section 3. That the Blount County Mayor is hereby expressly authorized to execute the amendments to the Tennessee Plan in substantially the form attached as Exhibit “B” and the County Mayor is hereby authorized to execute any formal agreements necessary to implement a unified plan for the allocation and use of Settlement Funds that is substantially consistent with the Tennessee Plan and this Resolution.

Section 4. That the Blount County Mayor is hereby expressly authorized to execute any formal agreement and related documents evidencing Blount County’s agreement to the settlement of claims [and litigation] specifically related to Kroger Co. and any other settlement of opioid-related claims that Tennessee has joined.

Section 5. That the Blount County Mayor is authorized to take such other action as necessary and appropriate to effectuate Blount County’s participation in the Tennessee Plan and this settlement and as settlements continue to be reached, the Blount County Mayor is hereby authorized to execute any documents necessary to effectuate Blount County’s participation in any future settlements under the Tennessee Plan.

Section 6. This Resolution is effective upon adoption, the welfare of Blount County, Tennessee requiring it.

Duly authorized and approved this 18th day of July, 2024.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____
Vetoed: _____

County Mayor

Date