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** OF COUNSEL

February 7, 2020

VIA EMAIL

Sponsors for HB 2786

List address and emails for each of the following state representatives:

Robinson, Davis, Chapman, Peterson, Callan, Lekanoff, Pollet and Bergquist

Re: Local Government Representation for HB 2786

Dear State Representatives and Sponsors of HB 2786:

We write on behalf of the below counties and cities in Washington State that we represent in the National Opioid Litigation.

Counties:

Chelan County
Clallam County
Clark County
Franklin County
Island County
Jefferson County
King County
Kitsap County
Kittitas County
Lincoln County
Pierce County
San Juan County
Skagit County
Spokane County
Thurston County
Walla Walla County
Whatcom County
Whitman County

Cities:

Bainbridge Island
Burlington
Kent
Lakewood
Mount Vernon
Olympia
Sedro-Woolley
Spokane
Tacoma
Vancouver

Collectively, these counties and cities represent approximately 75% of Washington State's population. We write to specifically request that HB 2786 include specific provisions that reflect these lawsuits and expressly require increased local government participation on the Advisory Council created by the Washington State Attorney General.

Each of these counties and cities filed suit to seek compensation for the substantial costs related to responding to the opioid crisis caused by the manufacturers, distributors, and dispensers or prescription opioids. Indeed, the economic cost in 2016 alone for Washington State was over \$9.19 billion.¹ Many of these costs are borne exclusively by these local governments, and they will continue to incur them in the future, including *inter alia* increased public health costs related to the prevention and treatment of opioid-related harms, increased criminal justice costs, and higher workers' compensation costs for opioid-related claims. Whether through county or city law enforcement, emergency medical services, or public health programs and services related to the opioid epidemic, there is no doubt these counties and cities are at the front lines of the opioid crisis.

As a result, it is imperative that any discussion and consideration of how to utilize any funds obtained in connection with opioid litigation include a local presence to fairly allocate and distribute funds to properly abate the opioid epidemic. We understand the plain language of HB 2786 is aimed at "penalties" recovered by the State in connection with its own lawsuits against Purdue, McKesson, AmeriSourceBergen, Cardinal Health, and Johnson & Johnson. Furthermore, each county and city we represent has its own lawsuit against each of these entities and several more manufacturers, distributors, and dispensers of prescription opioids in the National Opioid Litigation. But the practical reality is that some if not all of the "penalties" recovered by the State will likely be received in connection with a global settlement reached between the various parties involved in the thousands of opioid cases filed nationwide. To the extent any settlement funds paid for by any defendant or in connection with any bankruptcy estate (as in the case of Purdue) are directed at Washington State for distribution amongst the various governments, the Advisory Council must fairly reflect the various levels of government that have been impacted.

While the current version of the bill requires participation on the Advisory Council by several stakeholders, there is only one spot reserved for local representation through a "local health jurisdiction." *See* Sec. 1(2)(m). This does not reflect the reality of this crisis in our State. Our clients have been hit hard and will continue to be hit hard by the opioid crisis, and therefore must be a central component of any discussion regarding how to distribute funds.

Our clients are eager to work collaboratively with the various stakeholders in the State to craft a plan that adequately and effectively utilizes any funds received in connection with the opioid litigation. Thus, we respectfully request that you include in the language of HB 2786

¹<https://www.help.senate.gov/imo/media/doc/Economic%20Cost%20of%20the%20Opioid%20Epidemic%20in%20Washington%20State.pdf>

recognition that counties and cities have also filed lawsuits against the manufacturers, distributors, and dispensers of prescription opioids, and further require that the advisory council *must* include increased representation by county and city public health and criminal justice officials.²

We are available to discuss specifics and meet at your convenience.

Sincerely,

s/ Lynn L. Sarko
s/ Derek W. Loeser
s/ David J. Ko

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4815-8408-3875, v. 1

² Note we also represent the following tribes that have been significantly impacted by the opioid crisis in the National Opioid Litigation: The Tulalip Tribes, The Lummi Tribe of the Lummi Reservation, and The Makah Indian Tribe. Because HB 2786 requires the Advisory Council to consist of two tribal members to participate as voting members, we are satisfied that the bill properly accounts for tribal participation on the Council.