

RESOLUTION # _____

Resolution Supporting Legal Action Regarding the Opioid Crisis

- WHEREAS, Buncombe County is in the midst of an opioid crisis that is taking an enormous toll on the people and families of Buncombe County, as well as impacting Law Enforcement, Emergency Management, and Health and Human Services with significant increased demand for services; and
- WHEREAS, over seventeen million opioid prescription pills were dispensed in 2016 to Buncombe County residents resulting in increased numbers of overdoses; and
- WHEREAS, over seventy percent of children entering foster care enter as a result of substance use by a parent or parents; and
- WHEREAS, the fiscal impact to Buncombe County related to health care costs, jail administration and incarceration, emergency management services, child welfare, and public assistance will likely exceed \$19 Million dollars in federal, state, and county funding; and
- WHEREAS, beyond the fiscal impact, the human impact of this epidemic on the parents, spouses, children, siblings, and friends who have witnessed and experienced the suffering – and all too often the loss of life – of a loved one is beyond measure. The loss of the gifts and talents of those individuals to their families, communities, and employers remains forever; and
- WHEREAS, treatment options for people with substance use disorders are limited, particularly for the under and uninsured; and
- WHEREAS, the usage of Narcan by EMS increased to nearly 500 incidents in 2016 with nearly 800 inmates on a detox protocol in the jail; and
- WHEREAS, several units of local government across the nation have filed lawsuits against prescription pain manufacturers in an effort to hold the same accountable for their role in the opioid epidemic; and
- WHEREAS, the North Carolina Attorney General is working with a bipartisan coalition of a majority of the state Attorneys General across the country in an ongoing investigation to evaluate whether manufacturers have engaged in unlawful practices in the marketing and sale of opioids; and
- WHEREAS, such investigations are sometimes a precursor to litigation, which could be an appropriate avenue for the recovery of damages for Buncombe County; and
- WHEREAS, Buncombe County strongly believes that it may be entitled to recovery against painkiller manufacturers and wishes to pursue recovery in the most efficient way possible. It further believes that the state is in the best position to efficiently procure such a result; however, the County is willing to proceed on its own if any action or inaction by the state does not appropriately address its concerns.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That it supports the state of North Carolina's involvement in the bipartisan coalition of the majority of states across the country investigating whether prescription painkiller manufacturers have engaged in unlawful practices in the marketing and sale of opioids.

2. That it recommends legal action be taken and compensation be sought by the state of North Carolina on behalf of North Carolina counties if it is found that painkiller manufacturers have engaged in unlawful practices in the marketing and selling of opioids.
3. That, notwithstanding its recommendation above, the County of Buncombe intends to investigate the feasibility of taking legal action itself against prescription painkiller manufacturers.
4. That the Buncombe County Legal Department is instructed to monitor the ongoing investigation by the State and evaluate its effect on the County, to investigate the feasibility of joining any lawsuits or potential lawsuits, to publish a Request for Information seeking an attorney(s) and/or law firm(s) competent to handle any litigation the County might pursue and to report the findings to the County Manager.
5. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
6. That the Chairman and County Manager, or either of them, or their designee, are hereby authorized to execute such documents as may be required to effect the purposes and intents of this resolution and to interview prospective law firms that respond to the aforementioned Request for Information.
7. That this resolution shall become effective upon its adoption.

This the ____ of _____, 2017.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney