

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. 640-2021, AUTHORIZING AND APPROVING
A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO
THE OPIOID CRISIS**

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al., under Index No. 400001/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of Suffolk is the named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Belco Drug Corporation, and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in Suffolk County, all of which contributed to a public health crisis in Suffolk County; and

WHEREAS, the Distributors have offered to settle the County of Suffolk’s claims against them by paying the sum of between approximately Sixty-Seven Million, Four Hundred Thousand (\$67,400,000.00) Dollars and One Hundred and Six Million, Three Hundred Thousand (\$106,300,000.00) Dollars over eighteen (18) years and agreeing to implement injunctive relief under a controlled substance monitoring program; and

WHEREAS, the Department of Law has approved a settlement agreement and release (“Agreement”) and the Agreement is attached hereto as Exhibit “A”; and

WHEREAS, it is in the best interest of the County of Suffolk to resolve this matter with respect to the Distributors without further litigation and enter into the proposed Agreement as it shall settle all allegations against the Distributors and avoid protracted litigation; now, therefore be it

1st **RESOLVED**, that the execution and delivery on behalf of and in the name of the County of Suffolk by the County Executive, or his designee, of the proposed Agreement attached hereto as Exhibit “A” is hereby authorized, and the County Executive, or his designee, is hereby authorized, subject to County Attorney approval, and directed to execute the proposed Agreement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors; and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this resolution constitutes a Type II Action pursuant to Section 617.5(c)(26) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing

agency administration, management, and information collections, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: July 27, 2021

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 2, 2021

EXHIBIT "A"