

Bristol Town Administrator

From: David Gunn <dgunn@vlct.org> on behalf of Maura Carroll <mcarroll@vlct.org>
Sent: Thursday, August 29, 2019 2:06 PM
To: Info
Subject: VLCT Opioid Action Forum

Dear VLCT Member,

Having recently [commenced litigation](#) seeking to abate the opioid crisis and recover damages it has caused, the Town of Bennington requested that VLCT host an informational session concerning the crisis and the potential to join in litigation. Accordingly, we have scheduled an **Opioid Action Forum** at the VLCT offices – 89 Main Street, Suite #4, in Montpelier – on **Wednesday, September 18, 2019, at 10:30 a.m.** Please note that VLCT is hosting this talk for information purposes only. We are not encouraging or advising our members in any way and are making no attorney recommendations.

Please contact me (mcarroll@vlct.org) if you plan to attend.

In anticipation of the informational session, Bennington has provided the following statement:

We are all feeling the impact in our communities of the opioid epidemic that has ravaged the nation. Recently published DEA data tracking the flow of opioids into Vermont reveals the staggering amounts of highly dangerous products that have flooded Vermont since the early 2000s. The Vermont Department of Health estimates that between 2010 and 2018, opioid-related deaths more than doubled. In 2016, Vermont's opioid-related overdose fatalities per 100,000 persons was more than 30% higher than the national average.

You may be aware that municipalities nationwide have commenced litigation seeking to hold those who created the epidemic – and profited from it – accountable. Those cases seek (1) injunctive relief designed to halt the flow of unnecessary opioids, (2) money for treatment and prevention at the local level, and (3) direct reimbursement of the costs that local governments have incurred.

The Opioid Action Forum will provide an opportunity to hear directly from experts who have reviewed the DEA data as it pertains to Vermont. They will discuss which manufacturers have shipped opioids to Vermont communities and in what volume. They will identify which distributors have been involved and will discuss the role that pharmacies and pharmacy benefit managers play. Town Manager Stu Hurd will be present to discuss Bennington's decision to commence litigation. Also present to answer questions and share details will be the two law firms who are working on a fully contingent basis for Bennington: Sanford Heisler Sharp and The Cicala Law Firm. They will also discuss the efforts currently being taken by Vermont's attorney general in response to this crisis as well as the proposed national negotiating class that has been introduced to the federal judge presiding over the thousands of cases filed. This last point may be of particular interest to each of you, given that the proposed class would include cities and towns that choose to be part of it.

Our firms have already compiled data measuring, among other things, the relative contributions of individual drug manufacturers, distributors and pharmacies to the proliferation of opioids in the Town of Bennington during relevant periods. For example, our preliminary analysis of some of the relevant data indicates:

- Approximately 50% of MME* distributed and dispensed in Bennington during relevant periods consisted of generic opioid products, with Purdue Pharma’s products responsible for only a small fraction in comparison;
- Nearly a third of MME in Bennington was distributed by the Vermont-based distributor “Burlington Drug Company,” with just under 50% distributed collectively by companies operated by the “Big Three” distributors, Cardinal Health, McKesson, and AmerisourceBergen; and
- Approximately 40% of MME in Bennington was dispensed by the Bennington-based pharmacy “The Pharmacy, Inc.,” with just under 50% dispensed collectively by pharmacies operated by CVS, Rite Aid and Walmart.

We are prepared to perform similar analyses for other Vermont municipalities and will discuss our methodology and the underlying data at the meeting.

Please join us for the informative session on September 18, 2019.

Maura Carroll
Executive Director
Vermont League of Cities and Towns

* MME (morphine milligram equivalent) is a value assigned to opioids to represent their relative potencies by comparing a given opioid’s strength to an equivalently strong dose of morphine.