

**Colorado Opioid Abatement Council (COAC)**  
**Opioid Funds Statewide Infrastructure Share Policy**

**I. Purpose**

This policy provides guidance to the COAC and to potential applicants regarding the requirements to apply for and release funds from the Statewide Infrastructure Share of the Opioid Funds in accordance with the Colorado Opioids Settlement Memorandum of Understanding dated August 26, 2021 (the “MOU”).

**Article 1**  
**Policy Summary and Definitions**

**I. Executive Summary**

The Colorado Opioid Memorandum of Understanding (MOU) provides that 10% of Opioid Funds go to the Statewide Infrastructure Share. Opioid Funds in the Statewide Infrastructure Share are distributed by the COAC to promote capital improvements and provide operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis anywhere within the State of Colorado.

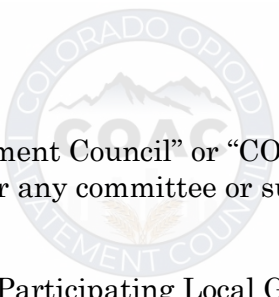
Participating Local Governments (PLGs), Regions, and Colorado state agencies may apply for funds from the Statewide Infrastructure Share for capital and/or operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis within the State of Colorado. The Statewide Infrastructure Share funds are required to be used to develop or improve infrastructure necessary to improve access to services or programs listed as Approved Uses in Exhibit E of the national opioid Settlement Agreements. The Statewide Infrastructure Share is intended to supplement other Opioid Settlement Funds and meet the needs of rural and underserved populations in Colorado.

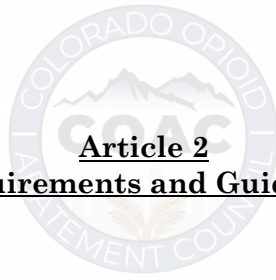
The COAC accepts applications for funding from the Statewide Infrastructure Share through a standardized process overseen by the COAC Review Committee with administrative support from the Colorado Department of Law Opioid Response Unit.

**II. Definitions**

Unless otherwise defined here, all Definitions in the MOU are hereby incorporated into this Policy.

1. "Applicant" means the Participating Local Government (PLG), Region, or state agency that submits a request for funding from the Statewide Infrastructure Share and is responsible for the receipt and oversight of Opioid Funds received.
2. "Approved Purposes" has the same meaning as set forth in Section A(1) of the MOU.

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3. The “Colorado Opioid Abatement Council” or “COAC” is comprised of the “General Abatement Fund Council,” or any committee or subcommittee thereof, as described in Section C of the MOU.
  4. “Fiscal Agent” shall mean a Participating Local Government (county or municipal entity that participated in the MOU), or State Agency that is responsible for the receipt and oversight of Opioid Funds received.
  5. “Implementing Organization” means any partner organization to which an Applicant subawards a portion of funding from the Statewide Infrastructure Fund to in order to assist an Applicant in carrying out a project’s activities.
  6. “Infrastructure Share” or “Statewide Infrastructure Share” shall have the same meaning as described in Section B(2)(d) of the MOU.
  7. “Local Government(s)” shall mean all counties in the State of Colorado and the municipalities, towns, and county and city municipal corporations listed in Exhibit B of the MOU.
  8. “MOU” shall mean the Colorado Opioids Settlement Memorandum of Understanding dated August 26, 2021 and first entered by the Denver District Court in State of Colorado v. McKesson Corporation, et al., Case No. 2022CV30867, Final Consent Judgment and Dismissal with Prejudice (Mar. 31, 2022).
  9. “Opioid Funds” shall have the same meaning as set forth in Section A(7) of the MOU.
  10. “Participating Local Government(s)” or “PLG(s)” shall mean the Local Governments that signed the MOU, and if required under terms of a particular national opioid Settlement, have executed a release of claims with the Opioid Settlement Defendant(s).
  11. “Region” shall have the same meaning as in Section F of the MOU.
  12. “State Agency(ies)” means a department, board, bureau, commission, division, institution, quasi-governmental entity, or other agency or instrumentality of the State of Colorado, including a state institution of higher education.
  13. “Sustainability” shall mean the use of Opioid Funds for capital projects or operational programming that work to abate the opioid crisis that can continue to function without the need for additional Opioid Funds.



## **Article 2** **Requirements and Guidance**

### **I. Eligible Applicants**

An Applicant for funding from the Statewide Infrastructure Share must be a Colorado PLG, Regional Opioid Abatement Council, or Colorado State Agency. A Regional Opioid Abatement Council must apply together with a PLG serving as the Fiscal Agent.

Non-governmental entities, such as nonprofit organizations, may serve as Implementing Organizations as part of a collaborative partnership proposed in the application with an eligible government entity serving as Applicant and Fiscal Agent.

### **II. Funding Requests Restrictions**

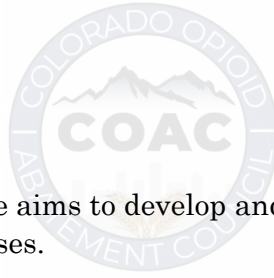
Funding from the Statewide Infrastructure Share must be used to develop and/or increase access to services or programs that are Approved Uses listed in Exhibit E of the national opioid Settlement Agreements.

COAC shall determine the amount of Statewide Infrastructure Share available to be distributed to Applicants. Expenditure timeline and other terms of awards of funding from the Statewide Infrastructure Share awards shall be determined at the discretion of the COAC.

### **III. Application Factors**

With a goal of encouraging collaboration and maximizing the impact of the Statewide Infrastructure Share, COAC encourages collaborative and regional application requests that address needs unmet by existing opioid abatement funding sources. Funding priorities that the COAC may consider when reviewing applications include, but are not limited to the following:

1. Applications that serve underserved, rural, and/or disproportionately impacted regions or communities of Colorado. Applications from such regions or communities will be given additional consideration.
2. Applications that demonstrate collaboration between multiple Regional Opioid Abatement Councils (ROACs), Participating Local Governments (PLGs), and/or Colorado State Agencies.
3. Applications that align and supplement other Opioid Funds received by Regional Opioid Abatement Councils (ROACs), Participating Local Governments (PLGs), Colorado State Agencies, and/or applications that include matching or in-kind funding support from other sources.
4. Proposals demonstrating Sustainability that will continue after the expenditure of Statewide Infrastructure Share funds.



#### **IV. Application Process**

The Statewide Infrastructure Share aims to develop and/or increase access to services or programs that are Approved Purposes.

Application announcements, materials, and timelines will be made available on the COAC website (<https://coag.gov/opioids/colorado-opioid-abatement-council/>) and through the Opioid Response Unit mailing list. Unfunded applications received in a prior funding cycle may be re-submitted in the next funding cycle if requested by the Applicant.

#### **V. Review and Approval Process**

The COAC is the decision-making body for awards of funding from the Statewide Infrastructure Share. The COAC may assemble an evaluation committee of experts and/or staff to support review of funding applications. The COAC and any COAC committee may request additional information from an Applicant during the review process.

As the COAC administrator, the Colorado Department of Law Opioid Response Unit, will receive and assemble all applications and communicate with Applicants regarding deadlines.

The COAC reserves the right to contact a Regional Opioid Abatement Council regarding any application funding that proposes new infrastructure within a Region.

#### **VI. Remedial Action**

Remedial action taken against Region, Local Government, State Agency or other entities or persons that uses funding from the Statewide Infrastructure Share other than for Approved Uses, or otherwise misuses or misdirects funds from the Statewide Infrastructure Fund will be in accordance with the COAC Statewide Infrastructure Share Remedial Action Procedures.

### **Article 3** **Governing Language**

#### **Except of the Colorado MOU Applicable to the Statewide Infrastructure Fund**

##### ***Section G***

*1. In accordance with Sections B(1) and (B)(2)(d), and the terms of any Settlement, the Statewide Infrastructure Share shall be paid to any Party or Regional Council in accordance with this Section (G).*

*2. The purpose of the Statewide Infrastructure Share is to promote capital improvements and provide operational assistance for developing or improving the infrastructure necessary to abate the opioid crisis anywhere within the State of Colorado. The Statewide Infrastructure Share is intended to supplement Opioid Funds received by any Party or Region.*



*3. Prior to distributing any Opioid Funds from the Statewide Infrastructure Share, the [COAC] shall establish and publish policies and procedures for the distribution and oversight of the Statewide Infrastructure Share, including processes for Parties or Regions to apply for Opioid Funds from the Statewide Infrastructure Share. The [COAC's] policies and procedures shall, at a minimum, reflect the following principles:*

- a. Opioid Funds from the Statewide Infrastructure Share shall be used for Approved Purposes only;*
- b. Opioid Funds from the Statewide Infrastructure Share shall be paid directly to the appropriate state agencies (including but not limited to the Colorado Department of Law), Regional fiscal agents, or Participating Local Governments only;*
- c. Distribution and oversight of the Statewide Infrastructure Share shall comply with the terms of this MOU and any Settlement;*
- d. Appropriate processes for remedial action will be taken against Parties or Regions that misuse Opioid Funds from the Statewide Infrastructure Share. Such processes shall include procedures for alleged offending Parties or Regions to challenge or dispute such remedial action; and*
- e. Limitations on administrative costs to be expended by recipients for administering Opioid Funds received from the Statewide Infrastructure [Share], not to exceed actual costs expended by the recipient or 10% of the amount received, whichever is less.*

*4. The distribution and oversight policies and procedures developed by the [COAC], in accordance with Section (G)(3), shall be non-appealable orders and no Party or Region may seek judicial relief related to the distribution and oversight of the Statewide Infrastructure Share.*

*5. On an annual basis, as determined by the [COAC], any Party or Regional Council that receives funds from the Statewide Infrastructure Share shall provide all expenditure data, including administrative costs, related to any Opioid Funds it received from the Statewide Infrastructure Share and subject itself to an accounting as required by the [COAC]. The [COAC] shall publish all expenditure data from the Statewide Infrastructure Share in accordance with Section (C)(4)(c)(i). The [COAC] may require the Parties or Regional Councils that receive funds from the Statewide Infrastructure Share to provide additional outcome related data in accordance with Section (C)(4)(c)(ii) and the Parties or Regional Councils shall comply with such requirements.*

*6. Costs associated with the [COAC's] distribution and oversight of the Statewide Infrastructure Share, as described in this Section (G), shall be paid for from the Statewide Infrastructure Share. The [COAC] shall make all good faith efforts to limit such costs to the greatest extent possible.*