

PRESCRIPTION OPIOID IMPACT FEE FUND AND PRESCRIPTION OPIOID SETTLEMENT FUND GUIDELINES FOR DISTRIBUTIONS UP TO \$100,000

Introduction

- 1.1 These Guidelines govern the solicitation and approval of requests for distributions of \$100,000 or less from the Prescription Opioid Impact Fund (the “**Impact Fund**”) established under 16 *Del. C.* § 4803B and/or the Prescription Opioid Settlement Fund (the “**Settlement Fund**,” and together with the Impact Fund, the “**Opioid Funds**”) established under 16 *Del. C.* § 4808B.
- 1.2 The Prescription Opioid Settlement Distribution Commission (the “**Commission**”) will solicit applications (the “**Applications**”) for grants and intragovernmental transfers of \$100,000 or less, from one or both of the Opioid Funds, and will do so in phases, based on the priorities established by the Commission.
- 1.3 Each phase may be limited to certain the permitted uses for one or both of the Opioid Funds, which permitted uses are identified in Section 2 below.
- 1.4 The Commission will publicize and, to the extent practicable, notify potentially interested parties of the permitted uses that are the subject of each phase of the distribution process and the terms and conditions applicable to any award, including any applicable deadline for the submission of requests.

Permitted Uses

- 2.1 Money in the Impact Fund must be used for activities in one or more of the following categories:
 - 2.1.1 Opioid addiction prevention.
 - 2.1.2 The following opioid addiction services:
 - 2.1.2.1 Inpatient and outpatient treatment programs and facilities, including short-term and long-term residential treatment programs and recovery residences.
 - 2.1.2.2 Services relating to treating substance use disorder for the under-insured and uninsured.
 - 2.1.2.3 Emergency assistance relating to prescription opioids, including purchasing pharmaceuticals used to reverse the effect of an opioid overdose.
 - 2.1.2.4 Peer support programs.
 - 2.1.2.5 Services to address adverse social determinants of health which act as a barrier to recovery, including family support services.
- 2.2 Money in the Settlement Fund must be used for one or more of the authorized opioid abatement strategies listed on **Attachment 1**.

Prohibited Uses

- 3.1 Money in the Opioid Funds may not be used to supplant existing state or local government funding.
- 3.2 Money in the Settlement Fund may not be used in a manner inconsistent with the terms of the settlement, judgment, confirmation order, or other governing document.

Eligibility & Initial Screening

- 4.1 Any state agency or local government of the State of Delaware may submit an Application.
- 4.2 Any applicant not eligible under Section 4.1 must meet the following minimum qualifications:
 - 4.2.1 Applicant has provided documentation establishing that it is a for-profit or non-profit corporation or other legal entity in good standing and operating for two years before applying for Opioid Funds.
 - 4.2.2 Applicant has provided a copy of its license to conduct business in the State of Delaware.
 - 4.2.3 Applicant has provided a copy of its bylaws, which must clearly state the purpose of the entity and the duties of the board, and a list of the current members of the board.
 - 4.2.4 Applicant has designated an individual that will serve as a primary point of contact.
 - 4.2.5 Applicant has provided copies of applicant's personnel policies that including job descriptions and duties and nondiscrimination policies.
 - 4.2.6 Applicant has provided a copy of the budget for the proposed use of Opioid Funds.
 - 4.2.7 Applicant has provided a copy of its budget and accounting procedures and audit policy.
 - 4.2.8 Applicant has confirmed that it is not requesting funds through a fiscal agent.
- 4.3 All Applications shall be screened to ensure that the following threshold requirements are met:
 - 4.3.1 The Application was received by the Commission or its administrative agency by the applicable deadline established in the notice issued pursuant to Section 1.4.
 - 4.3.2 The applicant meets the eligibility requirements of either Section 4.1 or Section 4.2, as appropriate.

- 4.3.3 The proposed use is eligible for funding under Section 2 and Section 3 and is a priority use identified by the Commission in the notice issued under Section 1.4.
- 4.3.4 The individual who signed the Application has authority to act on behalf of the applicant.
- 4.4 Applications submitted by entities not meeting the initial screening requirements of Section 4.3 shall not be reviewed by the Commission or eligible for award.

Procedures

- 5.1 The following procedures shall govern the Application process.
- 5.2 Applications for distributions from one or both Opioid Funds must be submitted on the form created by the Commission. Applications are public records, as defined in the Delaware Freedom of Information Act, 29 *Del. C.* Ch. 100, unless an exemption applies.
- 5.3 Applicants may submit more than one Application during any phase of the distribution process.
- 5.4 Applications must be accompanied by documentation supporting the amount requested, including a detailed budget accounting for how proceeds from an Opioid Fund will be used and how such use will be tracked and documented.
- 5.5 If an Application seeks proceeds from more than one Opioid Fund, the Application must include a detailed description of how the applicant will separately account for the proceeds of each Opioid Fund.
- 5.6 Applications that meet the eligibility and initial screening requirements will be considered at a public meeting of a committee of the Commission and/or the full Commission.
- 5.7 Approval of an Application is not a guaranty that a distribution will be made to the applicant. Distributions are contingent upon the applicant's provision of any requested documentation and the execution of an agreement or other document memorializing the terms and conditions of the award or transfer.