

Delaware's Opioid Settlements

The United States is in the **midst of a crisis** on its streets and in its communities as **overdoses, homelessness, and disorder reach record levels**. Yet settlement proceeds secured by the State of Delaware present an **unprecedented opportunity for generational investment** in treatment capacity for chronic substance abuse (CSA) and severe mental illness (SMI).

Delaware is set to receive **nearly \$250 thousand** (\$233,467,282.30) in opioid settlement funds—equal to nearly one-fourth of the state's share of the monumental Tobacco Master Settlement Agreement.¹ With twenty-one separate settlements and with payments spread out over decades, the funds are **at risk of being squandered** through ad-hoc allocations to **diffuse and disorganized efforts**.

The state must ensure that this opportunity for treatment investment is not underutilized. **Delaware can make targeted investments in treatment capacity** that will **honor those who suffered** in the opioid crisis and **ensure accessible care** for decades to come.

Delaware holds all settlement proceeds in a state account titled the Prescription Opioid Settlement Fund.² A 27-person Behavioral Health Consortium distributes funds based upon the recommendations of the 15-person Prescription Opioid Settlement Distribution Commission, which itself is directed to solicit and review recommendations from the Consortium and three other committees.³ This may prove to be too bloated to prioritize high-impact projects efficiently, and the **funds would be better prioritized at the direction of the legislature**.

Delaware has required a fair amount of transparency and maintains a public dashboard covering distribution of funds.⁴ However, it fails to explain what the funds are used for and only lists the recipients. For example, a group named "Delaware Health Equity Coalition" received more than \$500 thousand, though only the imagination can provide answers on specific uses of funds.

The state must rein in misallocation of these funds and prioritize investments in comprehensive treatment networks. **Three priorities** (Certified Community Behavioral Health Clinics, secure psychiatric beds, and community SMI/CSA response) **will ensure these funds have the largest impact** on Delaware.

Certified Community Behavioral Health Clinics (CCBHCs)

CCBHCs, designed to ensure access to coordinated comprehensive behavioral health care, have stable funding and are supported by all recent presidential administrations. CCBHCs are a key response to the opioid crisis and can augment other services such as police crisis response teams, homelessness outreach and services, and outpatient psychiatric commitment services.

- **Solution: Fund the development and expansion of CCBHCs.**
 - o Expand the CCBHC footprint with an emphasis on a team-based approach to co-occurring disorders.
 - o Create a stepped approach to SMI/CSA treatment with services provided by the CCBHCs.
 - o Require CCBHCs to offer specific care pathways to meet the needs of individuals with co-occurring disorders.

State Psychiatric Hospitals

Inpatient beds in secure facilities are critical for serving the highest-acuity psychiatric patients. Delaware currently has only **7.9 state psychiatric beds** per 100,000 people available for civil (i.e., non-criminal) patients.^{5,6} Treatment Advocacy Center recommends a rate of 30-60 beds per 100,000. Even counting non-public secure psychiatric beds, Delaware still falls short of the minimum.⁷ Secure beds are a costly but necessary expenditure to protect patients with severe psychiatric disorders and the public at large.

- **Solution: Fund the expansion of civil psychiatric beds.**
 - o Invest in expanding state hospital capacity.
 - o Move forensic (criminal) commitments to a jail-based restoration facility.
 - o Apply for one of several Section 1115(a) waivers to expand Medicaid reimbursement for IMDs.

Inpatient Stabilization Centers and Mobile Crisis Teams

Emergency departments (EDs) are supposed to be a last resort for times of true emergencies, but are increasingly used for all types of immediate-need medical care. This is especially true for low- to medium-acuity mental health crises. In order for CCBHCs and state psychiatric bed expansions to have the largest impact, there must be an immediate triage of low-acuity patients from higher-need patients, or else investments in these facilities will be drowned out, overburdened, and underutilized by those that need them most, just like emergency departments.

- **Solution: Fund community-based mental health response resources.**
 - Expand community-based recovery centers, including voluntary short-term respite housing, especially for young adults.
 - Leverage CCBHC resources to develop comprehensive mobile crisis response teams in conjunction with police crisis intervention teams (CIT).
 - Support integration of community resources with crisis networks such as the Lifeline to support those in need or provide guidance for concerned loved ones.

DELAWARE

[Download all Delaware opioid settlement documents](#)

[View settlement fund dashboard](#)

STATE-CONTROLLED FUNDS	ALL FUNDS	2025 EOY FUNDS RECEIVED - STATE	2025 EOY FUNDS RECEIVED - ALL	Av. Receipt (All Funds) / Yr (*20)
\$233,467,282.30	\$233,467,282.30	\$77,204,093.05	\$77,204,093.05	\$11,673,364.12

2021 National Opioid Settlement

Delaware v. Distributors

- [Final Consent Judgment](#)
- State of Delaware v. Purdue Pharma L.P., et al., Superior Court of Delaware, Case No. C.A. No. N18C-01-223 MMJ (CCLD)

Delaware v. Janssen

- [Final Consent Judgment](#)
 - [Exhibit A "Janssen Settlement Agreement"](#)
 - [Exhibit B "Remediating Opioids Across Delaware through State-Municipal Abatement Partnership \('ROADS MAP'\) Agreement"](#)
- State of Delaware, ex rel. Kathleen Jennings, Attorney General of the State of Delaware, v. Johnson & Johnson, et al., Court of Chancery of the State of Delaware, Case No. 2022-0752-[000]

2022 National Opioid Settlement

Delaware v. CVS

- [Entry of Final Consent Judgment](#)
- [Final Consent Judgment](#)
- State of Delaware v. Purdue Pharma L.P., et al., Superior Court of Delaware, Case No. C.A. No. N18C-01-223 MMJ (CCLD)

Delaware v. Walgreens

- [Final Consent Judgment](#)
 - [Exhibit A "agreement dated as of December 9 2022"](#)
 - [Exhibit B "Remediating Opioids Across Delaware through State-Municipal Abatement Partnership \('ROADS MAP'\) Agreement"](#)
- State of Delaware v. Purdue Pharma L.P., et al., Superior Court of Delaware, Case No. C.A. No. N18C-01-223 MMJ (CCLD)

Delaware v. Walmart

- [Final Consent Judgment](#)
- State of Delaware, ex rel. Kathleen Jennings, Attorney General of the State of Delaware, v. CVS Pharmacy, Inc. and Walmart Inc. Court of the Chancery of the State of Delaware, Case No. 2023-1230-KSJM

Delaware v. Allergan

- [Entry of Final Consent Judgment](#)
- [Final Consent Judgment](#)
 - [Exhibit A "Allergan Public Global Opioid Settlement Agreement"](#)
 - [Exhibit B "Remediating Opioids Across Delaware through State-Municipal Abatement Partnership \('ROADS MAP'\) Agreement"](#)
- State of Delaware v. Purdue Pharma L.P., et al., Superior Court of Delaware, Case No. C.A. No. N18C-01-223 MMJ (CCLD)

Delaware v. Teva

- [Order of Dismissal](#)
- [Entry of Final Consent Judgment](#)
- [Final Consent Judgment](#)
 - [Exhibit A "Teva Global Opioid Settlement Agreement"](#)
 - [Exhibit B "Remediating Opioids Across Delaware through State-Municipal Abatement Partnership \('ROADS MAP'\) Agreement"](#)
- State of Delaware, ex rel. Kathleen Jennings, Attorney General of the State of Delaware, v. Johnson & Johnson, et al. Court of the Chancery of the State of Delaware, Case No. 2022-0752-KSJM

Other Coalition Opioid Settlements*Delaware v. Kroger*

- [Entry of Final Consent Judgment](#)
- [Final Consent Judgment](#)
 - Exhibit A "agreement dated as of March 22 2024" [p. 14]
 - Exhibit B ""Remediating Opioids Across Delaware through State-Municipal Abatement Partnership ('ROADS MAP') Agreement" [p. 526]
- State of Delaware, ex rel. Kathleen Jennings, Attorney General of the State of Delaware, v. The Kroger Co., Chancery Court of the State of Delaware, Case No. C.A. 2025-0042-KSJM

Delaware v. McKinsey

- [Consent Judgment](#)
- [McKinsey Allocation Amounts](#)
- The State of Delaware, ex rel. Kathleen Jennings, Attorney General of the State of Delaware, v. McKinsey & Company, Inc. United States, Chancery Court of the State of Delaware, Case No. 2021-0097-[]

Delaware v. Mallinckrodt

- [NOAT II Agreement](#)
- [Statewide Abatement Agreement](#)
- [Notice of Abatement Distribution](#)

Delaware v. Publicis

- [Entry of Final Consent Judgment](#)
- [Final Consent Judgment](#)
- State of Delaware, ex rel. Kathleen Jennings, Attorney General of the State of Delaware, v. Publicis Health, LLC, Chancery Court of the State of Delaware, Case No. 2024-0087-KSJM

Delaware v. Endo

- [Global Public Trust Agreement](#)
- [Notice of Abatement Distribution](#)

2025 National Settlements

Delaware v. Purdue

- [missing documentation]

Delaware v. Mylan

- [missing documentation]

Delaware v. Hikma

- [missing documentation]

Delaware v. Amneal

- [missing documentation]

Delaware v. Apotex

- [missing documentation]

Delaware v. Indivior

- [missing documentation]

Delaware v. Sun Pharmaceuticals

- [missing documentation]

Delaware v. Alvogen

- [missing documentation]

Delaware v. Zydus

- [missing documentation]

Independent Settlements

¹ KFF. "Actual Tobacco Settlement Payments Received by the States (in millions)." Accessed 8 September 2025.

<https://www.kff.org/health-costs/state-indicator/tobacco-settlement-payments>.

² Del. Code Title 16 § 4808B. <https://delcode.delaware.gov/title16/c048b/index.html>.

³ Del. Code Title 16 § 5196 – 5196B. <https://delcode.delaware.gov/title16/c051/sc08a/index.html>.

⁴ Delaware Auditor of Accounts, "Prescription Opioid Settlement Dashboard."

<https://app.powerbigov.us/view?r=eyJrjoiZjdINTUzMzktN2ZmOC00YmI3LWJjN2UtYmY3NmYyMzdlZDQwIiwidCI6IjhiMDIINTY5LTUxYzUtNGRlZS1hYmlyLThtOTIjMzJhNDM5NiJ9>.

⁵ Treatment Advocacy Center, "Delaware Psychiatric Beds Report." 2023. <https://www.tac.org/wp-content/uploads/2023/10/Delawarebedsinformation.pdf>.

⁶ United States Census Bureau, "2023 American Community Survey – Total Population."

[https://data.census.gov/table/ACSST1Y2023.B01003?q=population&t=Population+Total&g=010XX00US\\$0400000](https://data.census.gov/table/ACSST1Y2023.B01003?q=population&t=Population+Total&g=010XX00US$0400000).

⁷ Silver, Shanti, "Estimating Psychiatric Bed Need in the United States," p. 2-4. Treatment Advocacy Center Office of Research and Public Affairs. January 2024. https://www.tac.org/wp-content/uploads/2024/03/TAC_ORPA_ResearchSummary1.24.pdf.