



COUNTY ATTORNEY'S OFFICE

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MEMORANDUM

TO: Chairman Tripp and Members of Greenville County Council

FROM: Joseph Kernell, County Administrator
Nicole Wood, Assistant County Administrator
Mark Tollison, County Attorney
Kimberly Wunder, Assistant County Attorney

DATE: July 9, 2024

RE: National Opioid Litigation Settlement – Kroger

Background

As you know, Greenville County has previously taken legal action against opioid manufacturers, distributors, pharmacies, and related entities for their involvement in the opioid crisis. This effort has resulted in participation in two national settlements, securing approximately \$28 million over 18 years for local opioid remediation efforts. A new national settlement with The Kroger Company and its related entities (“Kroger”) is now ready for consideration by Greenville County. This memo presents the proposed settlement to County Council. To participate in the Kroger settlement, Greenville County must opt in by *August 12, 2024*.

Kroger Settlement

Kroger has agreed to a nationwide settlement of over \$1.2 billion, payable over eleven years, to resolve its opioid liabilities. As part of the settlement, Kroger will also implement stricter pharmacy practices to prevent opioid diversion.

If there is sufficient participation nationwide and from political subdivisions within South Carolina, the state is projected to receive approximately \$19 million from the Kroger settlement. Similar to previous settlements, these funds will be administered and distributed according to the South Carolina Opioid Settlement Allocation Agreement. Greenville County is allocated 7.15% of the guaranteed political subdivision sub-fund, which is estimated to be \$828,300 from the Kroger settlement.

Recommendation

We recommend that Greenville County participate in the Kroger national settlement, and authorize the County Administrator, with the advice and counsel of the County Attorney, to execute the participation agreement and any other necessary documents on behalf of the County.