CLIENT ALERTS & INSIGHTS

The Long Tail of the Opioid Crisis: How AGs Continue to Pursue Manufacturers, Distributors, Pharmacies

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Featured Practices: State Attorneys General Investigations & Enforcement

Key Takeaways

- After years of securing large settlements from companies involved in manufacturing, distributing and producing opioids, prosecuting all levels of opioid involvement remains a bipartisan priority for the National Association of Attorneys General (NAAG).
- Recent settlements indicate cooperation between state attorneys general to pursue enforcement and that bankruptcy does not absolve accountability and financial responsibility.
- With this continued enforcement, companies should ensure they are compliant with requirements surrounding all aspects of opioid distribution, manufacturing and marketing.

Background

The opioid crisis has been a perennial priority for state attorneys general, and was the marquis priority for the National Association of Attorneys General (NAAG) in both 2023 (under OH AG Dave Yost) and 2025 (under NH AG John Formella). Recently, Texas Attorney General Ken Paxton announced the conclusion of a multistate effort to secure the bankruptcy reorganization plan for Purdue Pharma (Purdue).[1] This case started when Purdue filed for bankruptcy in September 2019.[2] In 2025, Purdue and the Sackler family reached a $ 7.4 billion settlement with 55 attorneys general who claimed that Purdue, under the leadership of the Sackler family, aggressively marketed opioid products.[3] The settlement plan, which is expected to become effective in spring 2026, includes billions of dollars for those affected by the opioid crisis and creates a new private company, Knoa Pharma, owned by a charitable foundation to address the opioid crisis. To date, there have been over 3,000 state and local government investigations into opioid makers and distributors in an effort to combat the opioid epidemic and recoup taxpayers' funds.[4]

Many of these investigations have resulted in large, high-profile settlements. For example, in July 2021, 14 state attorneys general[5] entered a $26 billion settlement with Johnson & Johnson-which manufactured and marketed opioids-and three major pharmaceutical distributors.[6] This was the second largest multistate settlement ever (following the 1998 Tobacco Master Settlement), and it resulted in Johnson & Johnon's exit from the opioid market.[7]

In February 2021, a bipartisan coalition of attorneys general from 47 states announced a $573 million settlement with McKinsey & Company ("McKinsey") for its role in advising opioid manufacturers on the promotion and sale of opioid products.8 In 2022 and 2023, Teva Pharmaceuticals agreed to pay $4.2 billion to settle claims brought by all 50 states alleging that it illegally marketed opioid products and failed to maintain adequate diversion controls.9 In 2024, Kroger settled with more than 30 state attorneys general over allegations that it failed to properly oversee the dispensing of opioids through its pharmacies.10

More recently in July 2025, eight pharmaceutical manufacturers entered into a $720 million dollar settlement with a coalition of nine states.11 The manufacturers faced allegations that they failed to adequately monitor and report large-scale opioid orders. As part of the settlement, the companies agreed to prospective restrictions, including commitments to cease promoting or marketing opioid products, and to refrain from manufacturing or selling any product containing more than 40 mg of oxycodone per pill.

Following several multibillion-dollar settlements with major pharmacy chains, attorneys general have increasingly turned their focus to mid-sized companies. For example, in 2023, Meijer settled an opioid-related case with 46 local jurisdictions for $35 million.12 Counties and cities alleged that Meijer, a retail pharmacy operator, failed to properly monitor and report suspicious prescription orders, thereby contributing to the opioid epidemic.13 Meijer was one of many retail pharmacy defendants named in this litigation.

What This Means Moving Forward

As these cases demonstrate, a wide range of entities involved in the opioid market-including manufacturers, distributors, pharmacies and even consultants-have been targets of attorney general enforcement actions aimed at addressing the opioid crisis. As the Purdue litigation illustrates, opioid enforcement remains a bipartisan priority across states, and even bankruptcy may not shield companies or their stakeholders from scrutiny.

NAAG continues to advocate for state and federal legislation to address opioid use disorder and to investigate and pursue claims against opioid manufacturers, distributors, and other parties alleged to have fueled the crisis.14 In 2025, NAAG, reaffirmed this commitment at its Presidential Initiative Summit, emphasizing the need to build on opioid litigation momentum while addressing emerging threats posed by fentanyl, methamphetamine and other illicit drugs.15 The Summit also explored strategies to support law enforcement, enhance prevention and treatment, address the intersection of substance abuse and mental health issues, and foster collaboration with the private sector to combat drug trafficking.16

If you have any questions regarding these developments, please contact the authors or your Benesch point of contact.

1 Ken Paxton, Attorney General of Texas, *Attorney General Paxton Establishes Legal Framework to Hold Purdue Pharma and the Sackler Family Accountable for Their Role in the Opioid Epidemic* (Dec. 4, 2025), https://www.texasattorneygeneral.gov/news/releases/attorney-general-paxton-establishes-legal-framework .

2 Jan Hoffman & Mary Williams Walsh, *Purdue Pharma, Maker of OxyContin Files for Bankruptcy*

, New York Times (Sept. 15, 2019, *updated* Nov. 24, 2020), https://www.nytimes.com/2019/09/15/health/purdue-pharma-bankruptcy-opioids-settlement.html.

3 David W. Sunday Jr., Attorney General of Pennsylvania, *AG Sunday Announces Historic Settlement With Purdue Pharma and Sackler Family Regarding Manufacture, Distribution of Opioids that Fueled Addiction Epidemic* (June 16, 2025), https://www.attorneygeneral.gov/taking-action/ag-Sunday-announces-historic-settlement-with-purdue-pha

4 National Association of Attorneys General, *Opioids*, https://www.naag.org/issues/opioids/.

5 California, North Carolina, Tennessee, Colorado, Connecticut, Delaware, Florida, Georgia, Louisiana, Massachusetts, New York, Ohio, Pennsylvania, and Texas.

6 State of California Department of Justice, *Attorney General Bonta: Drug Distributors and Johnson & Johnson Commit to $26 Billion Opioid Agreement* (Feb 25, 2022), https://oag.ca.gov/news/press-releases/attorney-general-bonta-drug-distributors-and-johnson-johnson-cor .

7 *See* State of California Department of Justice, *Master Settlement Agreement* (last accessed Jan. 27, 2026), https://oag.ca.gov/tobacco/msa.

8 National Association of Attorneys General, supra note 4.

9 *See, e.g.*, Nevada Attorney General Aaron D. Ford, *Attorney General Ford Announces $193 Million Settlement with Teva Pharmaceuticals* (Jun. 7, 2023), https://ag.nv.gov/News/PR/2023/Attorney_General_Ford_Announces_$193_Million_Settlement_with_Teva_P ; Letita James New York State Attorney General, *Attorney General James Secures $523 Million from Top Opioid Manufacturer Teva, Bringing Total Funds for New Yorkers to More Than $2 Billion* (Nov. 3, 2022), https://ag.ny.gov/press-release/2022/attorney-general-james-secures-523-million-top-opioid-manufacturer- ; National Opioid Settlement, *Teva & Allegran Settlement Documents, https://nationalopioidsettlement.com/teva-allergan-settlement-documents/*.

[10] State of California Department of Justice, *Attorney General Bonta: California to Receive up to $122 Million in Opioid Agreement with Kroger for Its Role in Opioid Epidemic (Nov. 4, 2024), https://oag.ca.gov/news/press-releases/attorney-general-bonta-california-receive-122-million-opioid-agreement-kroger ;* National Opioid Settlement, *Kroger Co. Settlement, https://nationalopioidsettlement.com/kroger-co-settlement/.*

11 Office of the Illinois Attorney General Kwame Raoul, *Attorney General Raoul Secures $720 Million From Eight Opioid Manufacturers* (July 10, 2025), https://illinoisattorneygeneral.gov/news/story/attorney-general-raoul-secures-720-million-from-eight-opioid- (The nine states include: Illinois, California, Colorado, New York, North Carolina, Oregon, Tennessee, Utah, and Virginia.).

12 Michigan Association of Counties, *Opioid Settlement Resource Center*, https://micounties.org/opioid-settlement-resource-center/ (Notably, the settlement with Meijer as not a national settlement and only applied to certain counties in Michigan, Kentucky, Indiana, Ohio, and Illinois)

[13] *See In re National Prescription Opiate Litigation*

, 17-md-2804 (In May 2021, Meijer was named as a defendant in one of the active, multi-district litigation cases); *Montgomery County Board of County Commissioners v. Cardinal Health Inc. et. al.*, Case No. 1:18-op-46326-DAP (N.D. Ohio) (The original opioid-related case was filed on July 25, 2018, in the Court for Montgomery County, Ohio. Meijer was not named as an original defendant, and the case was removed to the United States District Court for the Southern District of Ohio and consolidated in federal multidistrict litigation).

14National Association of Attorneys General, supra note 4.

[15] National Association of Attorneys General, *2025 Presidential Initiative Summit*, https://www.naag.org/event/2025-presidential-initiative-summit/.

[16]*See id.*