

COMPANY STATEMENTS OPPOSING THE MISUSE OF MEDICINES IN EXECUTIONS

March 2017

This document provides a selection of company statements opposing the misuse of medicines in lethal injection executions. The document contains statements from the following 21 firms:

1. Abbott
 2. Akorn
 3. BD
 4. Fresenius Kabi
 5. Ganpati Exim
 6. Gland Pharma
 7. Hikma
 8. Hospira
 9. Kayem
 10. Lundbeck
 11. McKesson
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December 2001: *“Abbott does not support the use of Pentothal in capital punishment. In fact, [we] communicated with departments of corrections in the United States to request that this product not be used in capital punishment procedures.”*



March 2015: *“The use of midazolam and/or hydromorphone for lethal injection is clearly contradictory to the FDA approved indications for both products and – as controlled substances – the procurement or use of these products for executions may be in violation of the Controlled Substances Act. Additionally, such use is contrary to Akorn’s commitment to promote the health and wellness of human patients.”*

“Akorn strongly objects to the use of its products in capital punishment. To align with industry standards and to prevent midazolam and hydromorphone from being used for purposes outside FDA approved indications, Akorn will not accept direct orders from departments of correction for any product and we plan to implement additional distribution controls on midazolam and hydromorphone products in the near future.

“To reduce the possibility that Akorn midazolam and hydromorphone vials reach correctional facilities for use outside their labeled indications, these distributors will not sell these products directly to departments of correction or secondary distributors and distributors will use their best efforts in other distribution channels to keep the products out of prison systems”.



September 2015: *“BD Rx has specifically elected to focus on acute care settings for the use of our products. All of our distributor partners had previously received formal notification on behalf of BD Rx that our products are not intended for use in US prisons including state and federal penitentiaries. BD Rx is committed to ensuring the proper use of our products, to improving injectable drug delivery and helping to manage medication error risk for patients, hospitals, nurses and pharmacists”.*



August 2012: *“Fresenius Kabi objects to the use of its products in any manner that is not in full accordance with the approved indications. [...] To prevent Propofol from being used for purposes other than its approved indications, Fresenius Kabi does not accept orders for Propofol from any departments of correction in the U.S., nor will we do so, and we have voluntarily instituted tighter distribution controls on all forms of our product.”*



2012: *“We at Ganpati Exim are committed to providing access to medicines for the purposes of improving the lives of patients around the world. We are deeply opposed to the use of medicines in killing prisoners and wish to have no part in facilitating capital punishment in the USA or elsewhere. We never indulge in this type of medicines which takes HUMAN LIFE and will never in Future also.”*



GLAND PHARMA LIMITED

October 2015: *"Gland makes its products to enhance and save the lives of patients worldwide. Drugs such as Rocuronium bromide are relied upon by doctors and patients as a muscle relaxant during surgery. Gland does not support the use of any of its products for the purpose of capital punishment"*



October 2016: *"Hikma aims to improve lives by providing patients with access to high quality, affordable medicines. Our medicines are used thousands of times a day around the world to treat illness and save lives. We strongly object to the use of any of our products in capital punishment as it is inconsistent with our values and mission of improving lives and contrary to the intended label use for the products."*

"In order to safeguard Phenobarbital Sodium, Midazolam Hydrochloride and Hydromorphone Hydrochloride injection products from being used in lethal injection protocols, we have instituted several controls, including specific provisions in our template agreements and additional written assurances from certain purchasers that products will be used for medicinal, patient care not penal purposes."

"We vigorously monitor the distribution of these products and support industry serialization efforts that will help enhance these controls while continuing to promote our values and mission."



March 2013: *"Hospira makes its products to enhance and save the lives of the patients we serve, and, therefore, we have always publicly objected to the use of any of our products in capital punishment. [...] Hospira has implemented a restricted distribution system under which Hospira and its distributors have ceased the direct sale to U.S. prison hospitals of products, specifically pancuronium bromide, potassium chloride and propofol, that we believe are part of some states' lethal injection protocols."*



April 2011: *"In view of the sensitivity involved with sale of our Thiopental Sodium to various Jails/Prisons in USA and as alleged to be used for the purpose of Lethal Injection, we voluntary declare*

that we as an Indian Pharma Dealer who cherish the Ethos of Hinduism (A believer even in non-livings as the seat of God) refrain ourselves in selling this drug where the purpose is purely for Lethal Injection and its consequent misuse”



August 2011: “[Lundbeck] is opposed to the use of its products for the purpose of capital punishment. Use of our products to end lives contradicts everything we’re in business to do – provide therapies that help improve people’s lives. Lundbeck adamantly opposes the distressing misuse of our product in capital punishment. Since learning about the misuse we have vetted a broad range of remedies – many suggested during ongoing dialogue with external experts, government officials, and human rights advocates. After much consideration, we have determined that a restricted distribution system is the most meaningful means through which we can restrict the misuse of Nembutal [pentobarbital].”



October 2016: “McKesson has entered into contractual arrangements with some manufacturers and suppliers that restrict the sale of medicines to prison systems and others for lethal injections. McKesson continually monitors developments regarding the use of medicines for lethal injections, and is committed to helping manufacturers and suppliers implement policies in this area”.



October 2015: “It is important to note that rocuronium bromide is not approved for, labeled for, or marketed for use in lethal injections. Mylan does not distribute this product to prisons, nor does the company condone its product being distributed by any third party for use outside of the approved labeling or applicable standards of care.

“Recently Mylan received information indicating that a department of corrections in the U.S. purchased Mylan’s rocuronium bromide product from a wholesaler for possible use outside of the labeling or applicable standard of care. Mylan takes very seriously the possibility its product may have been diverted for a use that is inconsistent with its approved labeling or applicable standards of care.

“As such, Mylan conducted its own investigation into the matter and took direct action by sending several letters to the department of corrections seeking prompt assurances that it has not purchased any Mylan product for use outside the bounds of its approved therapeutic purpose, approved labeling and applicable standards of care. When Mylan received no response to its inquiries and therefore was unable to ensure appropriate use of its product, Mylan took further action by demanding the return of the Mylan product.

“Mylan is taking steps to prevent similar future issues. Specifically, Mylan is contractually restricting its distributors from distributing Mylan products, including rocuronium bromide, for use in lethal injection or for any other use outside of the approved labeling or applicable standards of care”.



November 2011: *[Letter from Naari CEO to Chief Justice Heavican of the Nebraska Supreme Court]: “I am shocked and appalled by this news [of the use of Naari-produced drugs in executions by lethal injection]. Naari did not supply these medicines directly to the Nebraska Department of Correctional Services and is deeply opposed to the use of the medicines in executions.”*



May 2014: *“Brevital [methohexital sodium] is a medically important anesthetic that physicians and hospital pharmacies have relied upon for more than 50 years. The state of Indiana’s proposed use of Brevital is inconsistent with its medical indications as outlined in its U.S. Food and Drug Administration reviewed and approved product labeling. Brevital is intended to be used as an anesthetic in life-sustaining procedures.*

“As a pharmaceutical company, Par’s mission is to help improve the quality of life. The state of Indiana’s proposed use is contrary to our mission. Par is working with its distribution partners to establish distribution controls on Brevital to preclude wholesalers from accepting orders from departments of correction.”



May 2016: *“Pfizer makes its products to enhance and save the lives of the patients we serve. Consistent with these values, Pfizer strongly objects to the use of its products as lethal injections for capital punishment.*

“Pfizer’s obligation is to ensure the availability of our products to patients who rely on them for medically necessary purposes. At the same time, we are enforcing a distribution restriction for specific products that have been part of, or considered by some states for their lethal injection protocols. These products include pancuronium bromide, potassium chloride, propofol, midazolam, hydromorphone, rocuronium bromide and vecuronium bromide.

“Pfizer’s distribution restriction limits the sale of these seven products to a select group of wholesalers, distributors, and direct purchasers under the condition that they will not resell these products to correctional institutions for use in lethal injections. Government purchasing entities must certify that products they purchase or otherwise acquire are used only for medically prescribed patient care and not for any penal purposes. Pfizer further requires that these Government purchasers certify that the

product is for “own use” and will not resell or otherwise provide the restricted products to any other party”.



January 2015: “Roche is aware of the use of the benzodiazepine midazolam as part of a drug combination for executions under the death penalty in the U.S. Roche did not supply midazolam for death penalty use and would not knowingly provide any of our medicines for this purpose. We support a worldwide ban on the death penalty.”



March 2014: “In order to help ensure that patients have access to our products for use in accordance with the products’ labels but to ensure our products are not used in capital punishment, Sagent is implementing appropriate distribution controls and other measures. In particular, Sagent will not accept orders from correctional facilities and prison systems for products believed to be part of certain states’ lethal injection protocols. Also, each of Sagent’s distributors and wholesalers will be asked to make commitments not to sell or distribute any such products to these facilities.”



February 2011: “Sandoz and Novartis support only the authorized use of injectable thiopental, which is primarily indicated for the induction of anesthesia, and do not support the sale of this or any product for use in non-approved treatments. [...]Sandoz has also advised all of its subsidiaries with locally approved marketing authorizations for sodium thiopental to not sell the product to distributors or third parties that may be selling it into the U.S.”



(Shrenik Pharma)

2012: “We are aware of the use of Thiopental Sodium in killing of prisoners in USA and have often wondered why the US-Govt. does not simply out-law the practice altogether.”



September 2015: *"We currently require our customers to certify that they will prohibit the use and sale of such products to other customers and members that may administer lethal injections or which may sell to facilities that administer lethal injections"*



March 2013: *"[Teva is] limiting the sale and distribution of [propofol] to customers who agree to use best efforts not to sell or distribute to correctional facilities"*