

Industry Opposition to the Misuse of Medicines in Executions

Public statements from a group of more than 100 global healthcare companies that oppose the use of their products in lethal injection executions.

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INTRODUCTION

The healthcare industry opposes the use of medicines in executions

Over the past 15 years, more than 100 global pharmaceutical companies have taken action to prevent the use of their medicines in lethal injection executions.

Today, every pharmaceutical manufacturer of FDA-approved medicines sought by executing states for use in lethal injection executions opposes the use of their medicines in executions and has taken steps to prevent this.

Manufacturers, distributors, compounders and testing laboratories have all taken robust action on this issue, releasing public statements, implementing restricted distribution controls, and pursuing other engagement to help prevent the misuse of medicines in executions.

As a few states have turned to nitrogen gas suffocation as an execution method, the major nitrogen gas companies have taken the same position as the pharmaceutical industry: their products are made for medical, industrial and commercial use, and supplying them for executions is incompatible with their values and their terms of sale.

This briefing provides a selection of public statements by healthcare companies opposing the misuse of their products in executions.

Abbott Laboratories

MANUFACTURER

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.”

Source: <http://www.motherjones.com/politics/2001/12/undercutting-executions/>

AbbVie Inc.

MANUFACTURER

November 2017

“AbbVie’s mission is to address the world’s toughest health challenges. We focus on discovering, developing and delivering medicines where we have proven expertise. We strive to make a remarkable impact on the lives of patients. These principles are reflected in our company’s core values. As such, AbbVie strongly objects to any potential use of our products in lethal injection protocols for capital punishment.

We are committed to ensuring our products remain accessible to healthcare providers and patients who depend on them.”

Source: <https://www.abbvie.com/content/dam/abbvie-com2/pdfs/about/statement-of-opposition-to-capital-punishment.pdf>

Akorn

MANUFACTURER

March 2015

“The employees of Akorn are committed to furthering human health and wellness through our vast portfolio of products. In the interest of promoting these values, Akorn strongly objects to the use of its products to conduct or support capital punishment through lethal injection or other means. To prevent the use of our products in capital punishment, Akorn will not sell any product directly to any prison or other correctional institution and we will restrict the sale of known components of lethal injection protocols to a select group of wholesalers who agree to use their best efforts to keep these products out of correctional institutions.”

Source: <https://www.osc.state.ny.us/files/press/pdf/akorn-letter.pdf>

Alvogen Inc.

MANUFACTURER

June 2018

“Alvogen endorses the use of its products in accordance with FDA-approved indications. To this end, Alvogen has undertaken controls to avoid diversion of [its products] for use in execution protocols. In furtherance of this effort, Alvogen does not accept direct orders from prison systems or departments of correction. In addition, Alvogen is working to ensure that its distributors and wholesalers do not resell, either directly or indirectly, [Alvogen products] to prison systems or departments of correction.”

Source: https://lethalinjectioninfo.org/wp-content/uploads/2018/07/2018_07_10_PRIV-Alvogen-complaint-Alvogen-v.-Nevada-Department-of-Corrections.pdf

American Regent, Inc.

MANUFACTURER

August 2018

“American Regent, Inc. is dedicated to the development, manufacture and sales of generic and branded injectable medications to improve and save lives of patients. All products that we market are intended solely for use consistent with approved labeling and applicable medical standards of care.

American Regent objects to the use of any of its products for lethal injection. Punitive use of our medications is inconsistent with our values and mission of improving lives, and contrary to the intended labeled use for any of our products.”

Source: https://americanregent.com/media/2710/americanregent-sales-policy_11oct2019.pdf

Cencora

DISTRIBUTOR

November 2017

“We buy pharmaceuticals directly from manufacturers, and we adhere to their restrictions on the distribution of their products, including those that prohibit the sale of certain products to correctional facilities. We routinely audit our compliance with manufacturer contracts and policies.”

Source: <https://www.foxnews.com/us/wholesaler-investigating-how-arkansas-got-execution-drug>

Athenex

MANUFACTURER

November 2017

“Athenex is dedicated to improving the health and well-being of patients by supplying an extensive portfolio of injectable pharmaceutical products. Athenex does not want any of our products used in capital punishment. Since inception of marketing these products, Athenex implemented appropriate distribution controls and other measures with our wholesaler partners to prevent our products being used in capital punishment. Athenex does not accept orders from correctional facilities and prison systems for products believed to be part of certain states’ lethal injection protocols.

Further, Athenex distributors and wholesalers have agreements with Athenex not to sell or distribute any such products to these facilities. Athenex does not distribute these products through wholesalers unwilling to implement distribution control to prevent capital punishment.”

Athenex Pharma Solutions, LLC

COMPOUNDER / OUTSOURCING

November 2017

“Athenex is dedicated to improving the health and well-being of patients by supplying an extensive portfolio of injectable pharmaceutical products. Athenex does not want any of our products used in capital punishment. Since inception of marketing these products, Athenex implemented appropriate distribution controls and other measures with our wholesaler partners to prevent our products being used in capital punishment. Athenex does not accept orders from correctional facilities and prison systems for products believed to be part of certain states’ lethal injection protocols.

Further, Athenex distributors and wholesalers have agreements with Athenex not to sell or distribute any such products to these facilities. Athenex does not distribute these products through wholesalers unwilling to implement distribution control to prevent capital punishment.”

Baxter International

MANUFACTURER

May 2017

“Baxter is a healthcare company with a stated mission to save and sustain lives. For more than 85 years, we have offered products and therapies that advance patient care. To that end, Baxter has repeatedly expressed its longstanding opposition to the potential use of any of its products in lethal injection protocols for capital punishment, where such use is clearly outside of approved labeling and medical standards of care and directly conflicts with our corporate mission.

Our customer contracts prohibit the use, resale or distribution of our products for capital punishment, while helping to ensure our medically necessary products remain available to clinicians to save and sustain patient lives.”

Source: <https://www.baxter.com/about-baxter/governance/policies-positions/use-products-capital-punishment>

B. Braun Melsungen

MANUFACTURER

October 2015

“B. Braun sells its products for the sole use of promoting patient health, safety and wellbeing. We oppose the use of our products for capital punishment purposes.”

Source: <https://www.bbraunusa.com/en/products/b5/potassium-chlorideforinjectionconcentrateusp.html>

Caplin Steriles USA Inc.

MANUFACTURER

May 2026

“Caplin Steriles USA Inc. (‘Caplin Steriles’) is committed to improving patient lives by ensuring healthcare professionals have access to our portfolio of essential medicines.

We object to the use of any Caplin Steriles product in conducting capital punishment by lethal injection.

As such, Caplin Steriles will not accept orders from correctional facilities or prison systems for products that are believed to be part of certain states’ protocols for carrying out lethal injections.

In addition, we have implemented appropriate distribution controls with our trading partners to ensure Caplin Steriles product is not available for distribution or resale to these facilities.”

Source: <https://www.caplin-us.com/anti-capital-punishment-policy/>

Cardinal Health

DISTRIBUTOR

March 2016

“[A] number of manufacturers have informed Cardinal Health that they would no longer permit certain items to be sold to U.S. state prisons, penitentiaries, jails or other incarceration facilities and other customers that they deem ‘unqualified.’ Cardinal Health has agreed to abide by the distribution restrictions set forth in order to remain an authorized distributor for these important products. Cardinal Health no longer distributes these products to state prisons, penitentiaries, jails or other incarceration facilities or other customers defined by the manufacturers as ‘non-qualified customers.’”

Source: <https://ipha.com/content/uploads/Cardinal%20Health%20-%20New%20account%20setup%20checklist%20Jan%202016.docx>

Community Pharmacy Services

COMPOUNDER / OUTSOURCING

July 2020

“Community Pharmacy Services is a family-owned, small business that is dedicated to supporting long-term care facilities in their pharmacy needs and operations. In a deviation from our core business, we were hired to manage the pharmacy operations for the Nebraska Department of Corrections facilities from 2016-2018 . . . Community Pharmacy Services has never supplied drugs since then to the Nebraska Department of Corrections or any other department of corrections, nor will it ever again. I regretted the decision as it does not align with our company’s values to provide the best patient care and customer service to the long-term care industry.”

Source: <https://kfab.iheart.com/content/2020-07-24-gretna-pharmacy-sold-lethal-injection-drugs-for-2018-execution/>

Custopharm Inc. / Leucadia Pharmaceuticals

MANUFACTURER

December 2017

“Custopharm Inc. (dba Leucadia Pharmaceuticals) is dedicated to improving the outcomes of patients treated by doctors, nurses, pharmacists and other healthcare professionals throughout the United States by supplying needed pharmaceutical products. To help ensure that our products are not used in capital punishment, Custopharm, Inc. is implementing appropriate distribution controls and other necessary measures. These include not accepting orders from correctional facilities and prison systems for products believed to be part of lethal injection protocols and asking our distributors and wholesalers to make commitments to not sell or distribute any such products to these facilities.”

Dash Pharmaceuticals

MANUFACTURER

September 2019

“Dash objects to the use of its products in capital punishment. While Dash takes no position on the death penalty itself, our products were developed to improve patients’ lives and their use in executions is fundamentally counter to this. To ensure our products are not purchased for this purpose, Dash has imposed a system of strict distribution controls designed to prohibit the sale of its medicines to correctional facilities or otherwise for use in connection with lethal injection executions. These controls align with prevailing industry standards followed by generic drug companies and reflect our company’s policy regarding the use of our medications. Specifically, Dash has entered contractual agreements with distributors which stipulate that the products in question are to not to be sold to any correctional entity without specific approval from Dash.”

Dr. Reddy’s Laboratories Ltd.

MANUFACTURER

January 2019

“Dr. Reddy’s is committed to providing affordable and innovative medicines for healthier lives. To that end, Dr. Reddy’s neither condones nor supports the off-label use or misuse of its drugs. In the strongest possible terms, Dr. Reddy’s objects to the use of any of its products to facilitate or otherwise aid lethal injections. Consistent with this position, Dr. Reddy’s uses distribution controls to market Propofol Injectable Emulsion, USP. Dr. Reddy’s will not accept orders from correctional facilities and prison systems whose intended use of the product is to aid in lethal injection. We require the same commitment from our wholesalers and distributors.”

Source: <https://www.biospace.com/article/releases/dr-reddy-s-laboratories-announces-the-launch-of-propofol-injectable-emulsion-usp-in-the-u-s-market/>

DYNALABS LLC

TESTING LABORATORY

July 2020

“Several years ago, DYNALABS was asked to test pentobarbital for lethal injection for a penal system. We refused to do so, because of the controversial nature surrounding the use of this drug for that purpose. It has been, and will always be, our policy to not knowingly test a medication that will be used for that purpose . . . Although pentobarbital is a medication submitted infrequently to us for testing, DYNALABS is now conducting a review of those clients that have submitted it for analysis. It will be our policy going forward to require a statement from our client indicating their preparation will not be used for execution. Clients that decline to make that declaration will not be allowed to submit their pentobarbital preparations to DYNALABS for testing.

DYNALABS fully understands the complexity of this situation. We stand by our prior decision to not knowingly test medication intended for execution. We hope this statement clarifies our position on this important matter.”

Source:

<https://www.reuters.com/article/world/lab-that-tested-us-execution-drug-will-no-longer-accept-lethal-injection-sampl-idUSKCN24F04P/>

Endo International plc

MANUFACTURER

December 2021

“At Endo, our vision is to help everyone we serve live their best life. To achieve that vision, every day our global team members are focused on the development and delivery of life-enhancing products. For over 50 years, physicians and hospital pharmacies have relied upon our products to improve the lives of patients. Consequently, we are opposed to the inappropriate use of any of our medicines for capital punishment. We work with our wholesale distribution partners and support controls intended to preclude purchases of our medicines for this inappropriate use.”

Source: <https://endopharmaceuticalsinc.gcs-web.com/news-releases/news-release-details/public-statement-against-use-medicines-capital-punishment>

Eugia US

MANUFACTURER

July 2017

“Eugia US is committed to improving the lives of patients treated by healthcare professionals throughout the United States. In order to help make certain that patients have access to our products for their intended uses while ensuring our products are not used in capital punishment, Eugia US has implemented distribution controls. In particular, Eugia US will not accept orders from correctional facilities and prison systems who intend to use products for lethal injection. Eugia US will also request distributors and wholesalers not to sell or distribute these products to facilities which are believed to be using them for lethal injection.”

Source: <http://auromedics.com/policies/anti-capital-punishment-policy/>

Exela Pharma Sciences LLC

MANUFACTURER

July 2021

“Exela Pharma Sciences believes that providing medicines to alleviate human pain and suffering is one of the noblest undertakings. Making medicines affordable and expediting their availability to the needy is a worthy goal. That is Exela®’s focus and Mission. Exela opposes any use of our products that does not meet our Mission Statement, including the use of Potassium Acetate for lethal injection in capital punishment cases. We have taken actions to ensure our products are only available to those health care providers that use the products for their intended purpose as approved by the FDA.

Exela exists purely to help improve a patient’s life and no medicine we manufacture should ever be used to end a life. We stand with other pharmaceutical manufacturers who have taken similar steps to prevent life-saving medications from being used for capital punishment. We prohibit the purchase of Potassium Acetate Injection by correctional institutions or prisons via direct sale or indirect sale. Our authorized distributors have been notified not to accept any orders for our products from institutions who may use them for indications outside of their intended use and we prohibit sales of Potassium Acetate Injection to retail customers who may in turn resell the product to correctional institutions or prisons.”

Source: <https://exelapharma.com/exelas-position-on-product-use-in-lethal-injections-for-capital-punishment/>

Fosun Pharma USA Inc.

MANUFACTURER

September 2024

“Fosun Pharma USA Inc., is committed to improving patients’ lives by bringing affordable and innovative medicines to the market. As such, Fosun Pharma USA Inc. neither condones nor supports the off-label use or misuse of its products. The use of our products for capital punishment, including by lethal injection, is contrary to our mission as well as the FDA-approved indications in our product labeling. Therefore, Fosun Pharma USA Inc., does not intentionally sell nor does it agree to the sale of its products, whether by our wholesalers, distributors or other customers, to correctional facilities, departments of correction, or any actor working in concert with them to purchase or secure our products.”

Source: <https://fosunpharmausa.com/our-products/>

Fresenius Kabi

MANUFACTURER

October 2018

“Fresenius Kabi opposes the use of our products in lethal injection, and along with other major drug manufacturers, we have established an Authorized Distribution program for certain restricted products. This program is designed to assure the availability of key medications for patients. Our medicines play a vital role in patient care. In keeping with our mission of ‘caring for life,’ Fresenius Kabi is committed to distribution controls that help assure restricted products are used for proper medical purposes.

While Fresenius Kabi takes no position on capital punishment, the use of our products for lethal injection is contrary both to our mission and to the FDA-approved indications for, and labelling of, our products. Fresenius Kabi therefore does not sell, or allow the sale of, certain drugs to prisons or correctional facilities.

The majority of the company’s injectable medicines are manufactured in the United States, however for those made in Europe, the unauthorized use of our medications for lethal injection could also lead to sanctions by the European Union (EU). This in turn could threaten the U.S. supply of important drugs, potentially putting patients at risk.”

Source: <https://www.fresenius-kabi.com/us/resource-center#par-item-b3abcf4f73>

Fresenius Kabi Compounding, LLC

COMPOUNDER / OUTSOURCING

October 2018

“Fresenius Kabi opposes the use of our products in lethal injection, and along with other major drug manufacturers, we have established an Authorized Distribution program for certain restricted products. This program is designed to assure the availability of key medications for patients. Our medicines play a vital role in patient care. In keeping with our mission of ‘caring for life,’ Fresenius Kabi is committed to distribution controls that help assure restricted products are used for proper medical purposes.

While Fresenius Kabi takes no position on capital punishment, the use of our products for lethal injection is contrary both to our mission and to the FDA-approved indications for, and labelling of, our products. Fresenius Kabi therefore does not sell, or allow the sale of, certain drugs to prisons or correctional facilities.

The majority of the company’s injectable medicines are manufactured in the United States, however for those made in Europe, the unauthorized use of our medications for lethal injection could also lead to sanctions by the European Union (EU). This in turn could threaten the U.S. supply of important drugs, potentially putting patients at risk.”

Source: <https://www.fresenius-kabi.com/us/resource-center#par-item-b3abcf4f73>

Ganpati Exim Pvt Ltd

MANUFACTURER

March 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

MANUFACTURER

October 2015

“Gland makes its products to enhance and save the lives of patients worldwide. Drugs that form part of our portfolio are relied upon by doctors and patients in critical care therapies. Gland does not support the use of any of its products for the purpose of capital punishment.”

Source: <https://glandpharma.com/our-business/therapeutic-coverage-products>

GlaxoSmithKline

MANUFACTURER

February 2018

“As a science-led healthcare company, we believe our medicines should be used consistent with our mission to ‘help people do more, feel better, live longer.’

Currently, we are not aware of any GSK products being included in any lethal injection protocol; however, in keeping with our mission, we would be opposed to such a use.”

Source: <https://www.gsk.com/en-gb/company/policy-positions/>

Henry Schein, Inc.

DISTRIBUTOR

April 2020

“Henry Schein restricts the sale or other transfer of medications to prisons/correctional facilities for use in lethal injections, based on our manufacturer agreements. The goods Henry Schein sells are intended to be used for their label-approved purposes or applicable standards of care, which do not include human lethal injection.”

Source: <https://www.henryschein.com/us-en/specialmarkets/legalterms.aspx>

Hikma Pharmaceuticals

MANUFACTURER

June 2018

“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 object in the strongest possible terms to the use of any of our products for the purpose of capital punishment. Not only is it contrary to the intended label use(s) for the products, but it is also inconsistent with our values and mission of improving lives by providing quality, affordable healthcare to patients.

While none of our products should ever be used for the purpose of capital punishment, in the table below, we have identified certain products that carry heightened risk of misuse for lethal injection protocols. Accordingly, to prevent these products from being used for the purpose of capital punishment, we will not accept orders for these products directly from any Departments of Correction or correctional facilities in the United States, unless accompanied by an original, raised seal copy of an affidavit signed by the state attorney general (or governor), certifying under penalty of perjury that the product(s) will not be used for capital punishment. Further, we will only sell these same drugs to pre-selected commercial customers who agree that they will not then sell them to Departments of Corrections/correctional facilities, or to secondary distributors or retail pharmacies.

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.

Further, transparency is one of our core values, and as such we object to attempts by any entity, person or state to obscure or hide the source of products for lethal injection. It is imperative that we are not impeded from protecting patient health and the integrity of our products and our supply chain.”

Source: <https://www.hikma.com/who-we-are/policy-positions/>

Jiangsu Hengrui

MANUFACTURER

September 2017

“Jiangsu Hengrui is opposed to the misuse of medicines in executions.”

Johnson & Johnson

MANUFACTURER

August 2017 September 2023

SEPTEMBER 2023

“Johnson & Johnson develops medical innovations to save and enhance lives. We do not condone the use of our products for lethal injections for capital punishment.”

Source: <https://theintercept.com/2023/09/14/lethal-injection-medical-equipment/>

AUGUST 2017 (JANSSEN)

“At Janssen, we are dedicated to preventing, intercepting, treating and curing some of the most devastating and complex diseases of our time. For nearly 60 years, Janssen scientists have devoted their lives to discovering and developing life-enhancing and life-saving medicines, and we continue that work today.

Etomidate is a widely used intravenous anesthetic agent used in hospitals. It was discovered by Janssen scientists in the 1960s, and it is now off patent and distributed as a generic product by a number of companies worldwide. We do not distribute etomidate in North America, and in 2016 we divested the product in the rest of the world for strategic business reasons.

Janssen discovers and develops medical innovations to save and enhance lives. We do not support the use of our medicines for indications that have not been approved by regulatory authorities, such as the US FDA. We do not condone the use of our medicines in lethal injections for capital punishment.”

Source: <https://www.ft.com/content/0e0aeb8-8694-11e7-bf50-e1c239b45787>

Jonakayem Pharma Formulation (OPC) Pvt. Ltd.

MANUFACTURER

April 2011

“In view of the sensitivity involved with sale of our Thiopental Sodium to various Jails/Prisons in the USA and as alleged to be used for the purpose of Lethal Injection, we voluntarily declare that we as Indian Pharma Dealer who cherish the Ethos of Hinduism (A believer even in non-livings as the creation of God) refrain ourselves in selling this drug where the purpose is purely for Lethal Injection and its misuse.”

Source: <http://www.kayempharma.com/?q=announcement>

Lifestar Pharma LLC

MANUFACTURER

June 2026

“Lifestar Pharma LLC, a Mankind Group Company, reaffirms its commitment to ensuring that all of its products are used in accordance with FDA-approved indications and consistent with its mission of serving life.

Lifestar Pharma opposes the use of any of its products in lethal injection. In alignment with this position, the Company has implemented controlled distribution practices for certain products to help ensure they are used solely for legitimate medical purposes. These measures are designed to safeguard patient access to essential medications while promoting responsible use across the healthcare system.

While Lifestar Pharma takes no position on capital punishment, the use of its products for lethal injection is inconsistent with both the Company’s mission and the approved labeling of its medicines. Accordingly, Lifestar Pharma does not sell, nor permit the sale of, certain products to prisons or correctional facilities.

Lifestar Pharma further notes that unauthorized diversion and use of pharmaceutical products for non-medical purposes may expose the supply chain to regulatory risk, particularly for products sourced internationally. Such risks could disrupt the availability of critical medications in the United States and ultimately impact patient care.”

Source: <https://www.lifestarpharma.com/wp-content/uploads/2026/06/Product-Usage-Statement.pdf>

Lilly Healthcare

MANUFACTURER

April 2017

“Lilly does not supply our medicines for use in lethal injections, and we have not engaged on the issue with state legislators.”

Source: <https://www.indystar.com/story/news/politics/2017/04/21/last-minute-move-indiana-lawmakers-try-protect-identity-lethal-injection-drug-suppliers/100743490/>

Lundbeck

MANUFACTURER

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.”

Source: https://www.washingtonpost.com/national/health-science/2011/07/02/AG5AgevH_story.html

McKesson Corporation

DISTRIBUTOR

September 2018

“We comply with manufacturer requirements for handling and distributing products. In some cases, we have contracts with manufacturers that restrict the sale of certain medicines to certain customers, such as prison systems and others, for lethal injections. McKesson is committed to helping manufacturers implement their policies in this area. The needs and requirements of manufacturers vary. As a result, our contractual commitments, controls and processes vary by manufacturer. McKesson has processes and systems to enable manufacturers to validate McKesson’s performance against our contractual arrangements.”

Source: <https://www.mckesson.com/about-mckesson/corporate-citizenship/quality-safety/>

Meitheal Pharmaceuticals

MANUFACTURER

September 2020

“Meitheal is dedicated to supplying high quality affordable generic injectables in furtherance of health care providers and patients who depend on them. In light of this mission, Meitheal does not condone the use of its drugs in capital punishment.

Our products are intended solely for use consistent with FDA approved labeling and applicable standards of care. To this end, Meitheal is committed to implementing distribution controls and other measures to ensure that distributors and wholesalers do not resell to prison systems or departments of correction.”

Source: <https://www.meithealpharma.com/distribution-controls-against-capital-punishment-statement>

Merck & Co., Inc.

MANUFACTURER

February 2026

“At Merck, our core mission is to save and improve lives around the world. That mission drives our researchers to push the boundaries of science with the hope and expectation that the medicines and vaccines we invent will help patients for generations to come. With our core mission in mind, we are strongly opposed to any potential use of our products for capital punishment.”

Source: https://www.merck.com/wp-content/uploads/sites/124/2026/02/Use-of-Medicine-in-Capital-Punishment_MRK.pdf

Mylan Pharmaceuticals Inc

MANUFACTURER

October 2015

“Mylan is committed to setting new standards in healthcare and providing access to more affordable medicines for the world’s 7 billion people. We are dedicated to upholding the highest standards of quality and integrity in everything we do.

Mylan only distributes its products through legally compliant channels. All of its products are intended for prescription by healthcare providers consistent with approved labeling and applicable medical standards of care.

No Mylan products are approved for, labeled for, or marketed for use in lethal injections. Mylan does not distribute products that could be so used to prisons, nor does the company condone its products being distributed by any third party for use outside of the approved labeling or applicable standards of care. Mylan has taken steps to prevent the misuse of its products. Specifically, Mylan has implemented restricted distribution protocols for certain products to help preclude their unauthorized use for capital punishment.

Our distribution restrictions limit the sale of such products to a select group of direct customers and prohibit their resale to correctional facilities for use in lethal injections or to any other unauthorized purchasers. Customers have been informed that if they do not comply with these restrictions, Mylan will no longer supply them with these products. Mylan takes this matter seriously and will continue to work with distributors and other interested parties to ensure that its products are used appropriately.”

Source: <https://investor.mylan.com/news-releases/news-release-details/mylan-statement-its-policy-against-use-mylan-products-capital>

Naari Pharma Pvt. Ltd.

MANUFACTURER

November 2011

[Letter from Naari CEO to Chief Justice Heavican of the Nebraska Supreme Court]:

“I am shocked and appalled by this news. 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.”

Source: <http://www.ibtimes.com/shocked-chief-swiss-drug-maker-demands-nebraska-return-lethal-injection-drug-376768>

Nexus Pharmaceuticals

MANUFACTURER

October 2023

“Nexus Pharmaceuticals opposes the use of our products in lethal injections and we are following special distributor programs for certain restricted products. Nexus Pharmaceuticals is committed to distribution controls that help assure restricted products are used for proper medical purposes, as well as ensure that there is availability of key medications for patients, especially when critical market shortages occur.

While Nexus takes no position on capital punishment, the use of our products for lethal injection is contrary both to our commitments to patients and to the FDA-approved indications and labeling of our products. Nexus, therefore, does not sell or allow the sale of, certain drugs to prisons or correctional institutions.

Our injectable medications are manufactured both in the United States and in Europe; those made in Europe could lead to sanctions by the European Union (EU) for their unauthorized use for lethal injection. This in turn could threaten the U.S. supply of critical-need drugs, potentially putting patients at risk.”

Source: <https://www.nexuspharma.net/molecules>

Par Pharmaceutical

MANUFACTURER

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.”

Source: <https://www.wrtv.com/news/local-news/crime/indiana-supreme-court-rules-state-may-use-new-drug-in-lethal-injection-cocktail>

Pfizer

MANUFACTURER

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 in the same class of drugs that have been part of, or could be considered by some states, for their lethal injection protocols. These products include atracurium besylate, cisatracurium besylate, diazepam, etomidate, fentanyl citrate, hydromorphone hydrochloride, ketamine hydrochloride, midazolam, pancuronium bromide, potassium acetate, potassium chloride, potassium phosphates, propofol, rocuronium bromide and vecuronium bromide.

“Pfizer’s distribution restriction limits the sale of these fifteen 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.

“Pfizer will consistently monitor the distribution of these fifteen products, act upon findings that reveal noncompliance, and modify policies when necessary to remain consistent with our stated position against the use of our products in lethal injections. Importantly, this distribution system is also designed to ensure that these critical medications will remain immediately available to those patients who rely on them every day.”

Source: <https://cdn.pfizer.com/pfizercom/2021-06/21-lethal-injection-policy-paper-final.pdf>

Piramal Pharma

MANUFACTURER

July 2020

“The Piramal Group is a values driven organization with a purpose of ‘Doing Well and Doing Good.’ We stay true to our purpose by serving others, making a positive difference, and living our core values.

Within the group, Piramal Pharma is comprised of Piramal Pharma Solutions, Piramal Critical Care and the Consumer Products Division of Piramal Enterprises Ltd. Consistent with the purpose of the group, Piramal Pharma serves patients by making and supplying products that help enhance and save lives, and we do not support or condone the use of any of the products we make or supply in any way that is inconsistent with the approved indications and labeling of the products, including any use in connection with capital punishment.”

Source: <https://www.piramalcriticalcare.com/uk/about/anti-capital-punishment/>

Renaissance Lakewood, LLC

COMPOUNDER / OUTSOURCING

February 2018

“At Renaissance, we view the use of Pentobarbital as an agent of lethal injection to be in diametrical opposition to our business of ethically developing and manufacturing high-quality pharmaceuticals to fulfill critical patient needs. Prior to launching the product, we did extensive research on this issue, and consulted with our distributors as well as human rights advocates in order to develop the most comprehensive plan. Based on what we have learned, our distribution system has been upgraded to restrict the misdirection of Pentobarbital manufactured by us with the goal of preventing the misuse of this product.”

Roche Holding AG

MANUFACTURER

October 2017

“Roche is aware of the use of benzodiazepines as part of a drug combination used for executions under the death penalty in the U.S.

Roche did and does not supply Midazolam and Diazepam for use under the death penalty and would not knowingly provide any of our medicines for this purpose. Roche’s focus is on developing innovative medicines and diagnostic tests that help patients live longer, better lives.

Roche discovered Midazolam in the 1970s as a treatment for acute seizures, moderate to severe insomnia, and for inducing sedation and amnesia before medical procedures. Roche discovered Valium in the 1960s as a treatment for anxiety, to relax muscles, to treat trembling, confusional states or anxiety associated with alcohol withdrawal, and/or to treat panic attacks.

In 2004, Roche discontinued the manufacture and distribution of Midazolam in the U.S. for business reasons during a reevaluation of our product portfolio of medicines that are now available from generic manufacturers.”

Source: https://assets.roche.com/f/126832/283d61aaca/off_label_use_of_benzodiazepines.pdf

Sagent Pharmaceuticals

MANUFACTURER

March 2014

“Sagent is dedicated to improving the outcomes of patients treated by doctors, nurses, pharmacists and other healthcare professionals throughout the United States by supplying an extensive portfolio of injectable pharmaceutical products. 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.”

Source: <https://www.sagentpharma.com/resources?q=anti-capital-punishment-statement>

Sandoz

MANUFACTURER

February 2011

“Sandoz’s mission is to discover new ways to improve and extend people’s lives. Our purpose is to contribute to society’s ability to support growing healthcare needs by pioneering novel approaches to help people around the world access high-quality medicine. While Sandoz takes no position on the death penalty itself, we object to the misuse of any of our products in the administration of capital punishment. Such misuse is fundamentally contrary to our mission and purpose.

Sandoz sells medicines that have important therapeutic uses, including medicines used in surgical procedures. Certain of these products have been identified by states for use in capital punishment, including some drugs which have never been used before in connection with lethal injections.

As a result, Sandoz has implemented distribution controls designed to prohibit the sale of such medicines to prisons and correctional facilities. Specifically, Sandoz has entered into contractual agreements with distributors stipulating that Sandoz medicines are to be sold exclusively to medical users such as hospitals for use consistent with approved product labeling. In addition, to prevent inappropriate diversion of our products, we have implemented similar contractual restrictions on any entity wishing to purchase such medicines for their own use, e.g., hospital or outpatient clinic.

Sandoz regularly monitors the distribution of our products to ensure compliance with our distribution controls and will take necessary legal action to ensure the proper use of our medicines.”

Source: <https://www.sandoz.com/us-en/about-us/corporate-responsibility/ethics-and-compliance/>

Shrenik Pharma Limited

MANUFACTURER

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.”

Somerset Pharma, LLC

MANUFACTURER

2020

“Somerset is dedicated to improving and saving patients’ lives. We object to the use of any of our products in conducting capital punishment by lethal injection. We do not accept orders from correctional facilities and prison systems for products believed to be part of certain states’ lethal injection protocols. Furthermore, we actively work with our customers to ensure that Somerset products are not used for capital punishment through resale or distribution.”

Source: <https://somersepharma.com/about/anti-capital-punishment/>

Sun Pharmaceutical Industries Ltd

MANUFACTURER

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.”

Source: <https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/sun-pharma-against-use-of-its-drug-for-lethal-injection-in-us/articleshow/49077311.cms>

Tamarang Pharmaceuticals

MANUFACTURER

March 2018

“The use of the family of medicines known as neuromuscular blocking agents, which includes Rocuronium Bromide, is indicated as an adjunct in general anaesthesia and hospital intensive care. These medicines are used every day in all the hospitals around the world for this therapeutic indication and are commercialised by different pharmaceutical laboratories.

TAMARANG firmly opposes that our medicines could be used for a different purpose to that authorised by the health authorities, and thus we are against the use of our medicine Rocuronium Bromide in cases of capital punishment as a component of lethal injections.

From August 2014, our distributor in the USA, X-GEN, has implemented controls in the distribution of the medicine to prevent its supply to penitentiary hospitals in the United States and its use as a component in the lethal injection in cases of capital punishment.”

Teva Pharmaceutical Industries

MANUFACTURER

2020

“Teva is committed to helping patients around the world access affordable and innovative medicines. The use of any of our medicines in the administration of lethal injection for capital punishment is contrary to our mission to improve the lives of patients, and we strongly object to such misuse of our medicines.

Teva’s medicines are intended for therapeutic, medically necessary purposes in accordance with their labeling. Any use of our medicines in the administration of lethal injection for capital punishment violates both the approved labels and Teva’s values.

Teva’s business practices are aligned with this position. Teva has taken steps to prevent the misuse of our medicines for capital punishment. Teva does not sell or distribute medicines, which have been identified by states for use in capital punishment, to correctional facilities; likewise, it is our practice that we do not sell or distribute such medicines to other customers unless they agree not to knowingly sell or distribute such medicines for use in lethal injection for capital punishment. Customers are informed that if they do not comply with these restrictions, Teva will no longer supply them with these medicines. We regularly monitor the distribution of these medicines to ensure compliance with our distribution controls, which are designed to prohibit the sale of such medicines to correctional facilities for use in lethal injections. We carefully review any evidence that suggests a medicine sold by Teva has been diverted for use in capital punishment in violation of our contracts, product labels and company values, and act upon any noncompliance. We continuously evaluate our policies and their enforcement to guard against the

unauthorized use of medicines and to ensure that our medicines remain available for appropriate therapeutic purposes.”

Source: https://www.tevapharm.com/globalassets/tevapharm-vision-files/teva-lethal-injections-statement_final.pdf

WG Critical Care, LLC

MANUFACTURER

January 2023

“WG Critical Care, LLC is a healthcare company that is dedicated to improving the outcome of patients treated by doctors and other healthcare professionals in critical care facilities throughout the United States. As such, WG Critical Care does not condone the off-label use or misuse of its drugs including the use of its products to facilitate or aid lethal injections in penal institutions. Our medicines should be used solely to help improve a patient’s life and should never be used to end a life contrary to the FDA approved indications for and labeling of our products.

WG Critical Care is committed to restricting the distribution of its products to ensure that our injectable drugs are not distributed to penal institutions for use in lethal injections. WG Critical Care has implemented contractual restrictions to prevent such misuse of our drugs. These restrictions limit the sale of our products to our direct customers and prohibit their resale to correctional facilities for use in lethal injections or to any other unauthorized purchasers. WG Critical Care monitors compliance with these resale restrictions and will continue to work with its distributors and other interested parties to ensure that our products are used appropriately.”

Source: <https://www.wgcriticalcare.com/statement-on-use-of-medications-for-capital-punishment/>

XGen Pharmaceuticals DJB, Inc.

MANUFACTURER

August 2020

“The mission of XGen Pharmaceuticals DJB is to provide affordable, necessary medicines to enhance and save the lives of the patients we serve across many therapeutic categories. In fulfilling this mission XGen Pharmaceuticals DJB has always objected and will continue to object to any use of our products in capital punishment. XGen Pharmaceuticals DJB will not accept orders from any correctional institutions. Further, XGen Pharmaceuticals DJB requires written confirmation from our partners that our products will not be resold to any correctional institutions.

We distribute our products in a manner that is consistent with our goal of providing our customers uninhibited access to our products while restricting distribution for capital punishment.”

Source: <http://xgenpharmadjb.com/anti-capital-punishment/>

Zydus Pharmaceuticals (USA) Inc.

MANUFACTURER

April 2021

“Zydus products were developed to save and improve patients’ lives. While Zydus takes no position on the death penalty, Zydus objects to the use of its products in capital punishment.”

Source: <https://zydususa.com/faq/>

NITROGEN GAS SUPPLIERS

Gas manufacturers share the same objection: they do not want their products used to execute

As a few states have turned to nitrogen gas suffocation as an execution method, the major nitrogen gas companies have taken the same position as the pharmaceutical industry: their products are made for medical, industrial and commercial use, and supplying them for executions is incompatible with their values and their terms of sale.

Airgas Inc. / Air Liquide

NITROGEN GAS

Since 2019

Since 2019 Airgas has publicly stated that supplying nitrogen for the purpose of human execution is not consistent with its company values, and that it has not and will not supply nitrogen or other inert gases to induce hypoxia for human execution. The company proactively contacted Alabama in December 2022 to reinforce the point and ensure there was no confusion about its position, and reaffirmed the same stance to the press in 2024 and again in 2025.

Sources

The Guardian: <https://www.theguardian.com/us-news/2024/mar/10/nitrogen-gas-manufacturers-bar-executions-alabama>

Corrections1: <https://www.corrections1.com/capital-punishment/articles/airgas-refuses-to-supply-nitrogen-to-ala-state-prison-system-for-executions-SyXj6aGoxX9HsVlx/>

Associated Press: <https://www.wsls.com/news/politics/2024/02/16/as-alabama-eyes-more-nitrogen-executions-opponents-urge-companies-to-cut-off-plentiful-gas-supply/>

Air Products

NITROGEN GAS

March 2024

Air Products told The Guardian in March 2024 that it had established prohibited end uses for its products, including the use of any of its industrial gas products for the intentional killing of any person, specifically including nitrogen hypoxia.

Sources

The Guardian: <https://www.theguardian.com/us-news/2024/mar/10/nitrogen-gas-manufacturers-bar-executions-alabama>

Death Penalty Information Center:

<https://deathpenaltyinfo.org/three-largest-nitrogen-gas-manufacturers-in-the-u-s-prohibit-products-from-use-in-executions>

Matheson Gas

NITROGEN GAS

March 2024

Matheson Gas shared similar sentiments, telling The Guardian that the use of its nitrogen gas in executions was “not consistent with our company values.”

Sources

The Guardian: <https://www.theguardian.com/us-news/2024/mar/10/nitrogen-gas-manufacturers-bar-executions-alabama>

Death Penalty Information Center:

<https://deathpenaltyinfo.org/three-largest-nitrogen-gas-manufacturers-in-the-u-s-prohibit-products-from-use-in-executions>

ANNEX

Medicines listed in US state lethal injection protocols

There are currently 16 medicines listed in US state lethal injection protocols:

01	Alfentanil	09	Midazolam
02	Cisatracurium Besylate	10	Pancuronium Bromide
03	Diazepam	11	Pentobarbital
04	Etomidate	12	Potassium Acetate
05	Fentanyl	13	Potassium Chloride
06	Hydromorphone	14	Rocuronium Bromide
07	Ketamine	15	Sodium Thiopental
08	Methohexital Sodium	16	Vecuronium Bromide

FURTHER INFORMATION

For state-by-state protocols, controlled-medicines guidance and the full, searchable collection of industry statements, please refer to the Lethal Injection Information Center: lethalinjectioninfo.org

Lethal Injection Information Center

For further information please refer to the Lethal Injection Information Center

lethalinjectioninfo.org

Media enquiries: media@lethalinjectioninfo.org

We help manufacturers, wholesalers and compounders draft public positions and put distribution controls in place to keep their medicines out of executions.

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