

DRUG COMPANIES FACE MORE LAWSUITS OVER OPIATE EPIDEMIC

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The pharmaceutical industry is facing an onslaught of legal action by state, city and county governments on the mainland in response to the opiate epidemic. Could this be a replay of what happened with big tobacco, in which an industry claimed its product was safer than it is? Time will tell, but governments at many levels are fighting back and leveling blame on the pharmaceutical companies for the addiction, crime and overdoses of their citizens.



Most recently, the Ohio attorney general filed a lawsuit against five pharmaceutical companies alleging that fraudulent marketing that underplayed the risk of addiction and overplayed the benefits of opiate medications led to more than 3,000 deaths in 2015 with a further, estimated rise of 30 percent last year. This is against the backdrop of the 3.8 billion doses of opioid medications prescribed in Ohio between 2011 and 2015. Mayor Nan Whaley of Dayton, Ohio, expressed her full support of the AG's initiative.

Kentucky settled a \$24 million lawsuit with Purdue Pharma LP for its marketing of OxyContin, a pain medication, as nonaddictive. It also settled a \$15.5 million case with Janssen, a subsidiary of Johnson & Johnson, for its fentanyl product. Suits have also been filed in Mississippi; Illinois; four counties in New York; two counties in California; the city of Everett, Wash.; and the Cherokee Nation.

The precedent for successful action on a large scale exists with the tobacco industry. In 1998, 46 states and six other jurisdictions entered into the biggest civil litigation settlement agreement in U.S. history.

In Washington, D.C., the pharmaceutical lobby is among the most heavily funded and well connected. The lobby is so powerful that it was successful in passing legislation through Congress prohibiting Medicare from negotiating with pharmaceutical companies on pricing. Consequently, it is unlikely that the federal government will take legal action against the pharmaceutical industry on the opiate issue.

Hawaii has certainly shown its own propensity to punch above its weight on the matter of legal action against perceived injustices. Action by state Attorney General Doug Chin led a federal judge to block President Donald Trump's revised travel ban just hours before it was set to take effect in March. Hawaii counties also took on the agriculture industry in an effort to regulate genetically modified organisms, or GMOs.

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In the meantime Hawaii is attempting to address the local opiate epidemic with measures that regulate protocols for dispensing opiates in the doctor's office. The Legislature passed Senate Bill 505 last month, and an important feature of the bill is that it requires health practitioners to provide patients with comprehensive, informed consent on the risks of opiate prescriptions.

The two most important points are:

>> Dependence: When a person takes opiates for long enough, he or she will experience uncomfortable withdrawal symptoms when trying to stop.

>> Tolerance: The longer one regularly takes opiates, the greater the chances that increased doses will be needed to have the same effect.

Opiate pain medications play an important role in the timely relief of short-term pain and for intractable chronic pain, but fraudulent marketing, indiscriminate prescriptions, misinformation, and profiteering both in the boardroom and on the street result in broken families, loss of life and great cost to society.