

## US drug maker discontinues key death penalty drug

By ANDREW WELSH-HUGGINS, AP Legal Affairs Writer

Friday, January 21, 2011

(01-21) 10:14 PST Columbus, Ohio (AP) --

The only U.S. manufacturer of a key lethal injection drug is discontinuing the drug's production because Italian authorities wanted a guarantee that it wouldn't be used to put inmates to death — a decision that could disrupt executions in states already struggling with a shortage of the drug.

Hospira Inc., of Lake Forest, Ill., said Friday that it had decided to switch manufacture of the anesthetic from its North Carolina plant to a Hospira plant in Liscate, outside of Milan, in Italy. But Italian authorities insisted the company control the product's distribution all the way to the end user to guarantee it wouldn't be used in executions.

After discussions with Italian authorities, with Hospira wholesalers and within the corporation, Hospira decided it couldn't make that promise.

"Based on this understanding, we cannot take the risk that we will be held liable by the Italian authorities if the product is diverted for use in capital punishment," company spokesman Dan Rosenberg said.

"Exposing our employees or facilities to liability is not a risk we are prepared to take."

Sodium thiopental is already in short supply, and any batches Hospira had manufactured were set to expire in March. That means the decision to halt production could in turn disrupt or delay executions across the U.S.

The company has long deplored the drug's use in executions, but said it regretted having to stop production. Hospira continues to make two other drugs that, in addition to medical uses, are also used by states for executions — pancuronium bromide, which paralyze inmates, and potassium chloride, which stop inmates' hearts.

The company's Italian plant was the only viable facility where Hospira could manufacture sodium thiopental, Rosenberg said.

The current shortage of the drug had disrupted executions in Arizona, California, Kentucky, Ohio — which nearly ran out last spring — and Oklahoma.

In the fall, states including Arizona, Arkansas, California and Tennessee turned to a British manufactured source of sodium thiopental. But that supply dried up after the British government in November banned its export for use in executions.

Oklahoma went a different route, switching to pentobarbital, an anesthetic commonly used to put cats and dogs to sleep. The state has conducted two executions with the new drug.

In addition, Texas, the country's busiest death penalty state, is identifying for the first time the name of the company that supplies all three of its lethal injection drugs. Texas previously fought to shield the information, saying the revelation could be "an embarrassing fact" and prompt the supplier to stop shipping the drugs — jeopardizing the state's ability to carry out executions.

The state said releasing the information also could put the company's employees in danger from death penalty opponents.

The supplier, Besse Medical of suburban Cincinnati, is a large pharmaceutical distributor that says it has no way to determine what its customers, including the Texas corrections department, does with its products.

The Associated Press obtained the company's name through an open records request following a Texas judge's order that the state had to produce the information.

<http://sfgate.com/cgi-bin/article.cgi?f=/n/a/2011/01/21/national/a091814S84.DTL>

© 2011 Hearst Communications Inc. | [Privacy Policy](#) | [Feedback](#) | [RSS Feeds](#) | [FAQ](#) | [Site Index](#) | [Contact](#)