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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 344 Session of  
2019

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INTRODUCED BY CRUZ, DIGIROLAMO, YOUNGBLOOD, HOHENSTEIN, BURGOS,  
CALTAGIRONE, SCHLOSSBERG, NEILSON, MURT, MADDEN, STRUZZI,  
READSHAW AND GREGORY, JUNE 3, 2019

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REFERRED TO COMMITTEE ON HUMAN SERVICES, JUNE 3, 2019

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A RESOLUTION

1 Urging the Office of Attorney General to file lawsuits against  
2 pharmaceutical companies, distributors and manufacturers for  
3 the practices that caused or contributed to the opioid crisis  
4 in this Commonwealth.

5 WHEREAS, Opioids are a classification of drugs derived from  
6 or are a synthetic version of opium and are designed to reduce  
7 pain; and

8 WHEREAS, Examples of common opioids include prescription  
9 opioids, such as hydrocodone, methadone, morphine, oxycodone and  
10 the synthetic opioid fentanyl and illicit opioids such as  
11 heroin; and

12 WHEREAS, The introduction of pain as the fifth vital sign in  
13 medicine and the increased availability of prescription opioids  
14 in the late twentieth century led to an increased population  
15 using opioids and potentially developing substance use  
16 disorders; and

17 WHEREAS, According to the Centers for Disease Control and  
18 Prevention (CDC), the number of prescription opioids dispensed

1 to Americans quadrupled between 1999 and 2014, with primary care  
2 providers accounting for half of the opioids prescribed; and

3 WHEREAS, Americans represent only 4.6% of the world's  
4 population but consume 80% of the world's opioids and 99% of the  
5 global hydrocodone supply; and

6 WHEREAS, The most recent data available for this Commonwealth  
7 showed almost 70 prescriptions for opioid medications per 100  
8 individuals were written by healthcare practitioners in 2016;  
9 and

10 WHEREAS, The two most commonly prescribed opioid medications  
11 in this Commonwealth are oxycodone, with more than 2.4 million  
12 prescriptions filled, and hydrocodone, with more than 1.6  
13 million prescriptions filled in 2017; and

14 WHEREAS, Nearly 80% of individuals who use heroin have  
15 reported that they abused or misused prescription opioids prior  
16 to using heroin; and

17 WHEREAS, The CDC has declared that the United States is  
18 experiencing an opioid-induced "public health epidemic"; and

19 WHEREAS, The public health epidemic due to the opioid crisis  
20 knows no boundaries nor distinctions, impacting families of all  
21 ages, races and walks of life; and

22 WHEREAS, The rate of incidence of Neonatal Abstinence  
23 Syndrome (NAS), a complex condition where a baby is born drug  
24 dependent due to the mother's use of drugs, such as opioids,  
25 during pregnancy, has increased 1,000% in this Commonwealth over  
26 the past two decades; and

27 WHEREAS, Opioids are the leading cause of accidental deaths  
28 in the United States, surpassing deaths by car accidents; and

29 WHEREAS, The CDC has reported that a record 47,600  
30 individuals died after an opioid overdose in 2017; and

1       WHEREAS, A report from the Drug Enforcement Administration  
2 (DEA) in 2017 identified 5,456 drug-related overdose deaths in  
3 this Commonwealth, representing a rate of 43 deaths per 100,000,  
4 far exceeding the national average of 22 per 100,000; and

5       WHEREAS, As of 2017, individuals 25-54 years of age had the  
6 highest rate of overdose deaths and 71-78% of individuals in  
7 this age group were employed; and

8       WHEREAS, The societal costs to the nation associated with the  
9 opioid crisis are staggering, amounting to over \$78 billion  
10 annually according to the CDC; and

11       WHEREAS, The financial toll of the crisis due to health care  
12 spending, addiction treatment, criminal justice and lost  
13 productivity has overwhelmed the limited resources of the  
14 Commonwealth; and

15       WHEREAS, The cost to the Federal Government and to the state  
16 governments are estimated to total \$37.8 billion in lost tax  
17 revenue due to opioid-related employment loss; and

18       WHEREAS, Between 2000 and 2016, research conducted by the  
19 Pennsylvania State University found that this Commonwealth was  
20 one of the states hardest hit by opioid-related employment loss,  
21 with about \$638.2 million lost in income and sales tax; and

22       WHEREAS, This Commonwealth is currently in the midst of its  
23 worst public health crisis due to the opioid epidemic; and

24       WHEREAS, Leaders of this Commonwealth have been working  
25 tirelessly to address the opioid crisis and help the thousands  
26 of individuals, families and communities who have been and  
27 continue to be affected; and

28       WHEREAS, The Department of Health first provided prescribing  
29 guidelines for medical professionals relating to opioids in 2014  
30 and revises these guidelines as new scientific data becomes

1 available; and

2 WHEREAS, Pennsylvania enacted the Achieving Better Care by  
3 Monitoring All Prescriptions Program (ABC-MAP) Act on October  
4 27, 2014 to address the rising opioid crisis by requiring the  
5 Department of Health to run the Prescription Drug Monitoring  
6 Program (PDMP); and

7 WHEREAS, The PDMP began collecting Schedule II-V controlled  
8 substance dispensing information in June 2016 and currently  
9 collects around 1.7 million records per month and shares data  
10 with 16 other states and Washington, D.C.; and

11 WHEREAS, In April 2015, the Physician General signed two  
12 standing order prescriptions for naloxone, one for first  
13 responders and one for the general public to ensure that all  
14 residents can obtain life-saving medication when an opioid  
15 overdose is occurring; and

16 WHEREAS, Individuals addicted to opioids often experience  
17 multiple overdoses in the course of their drug use and  
18 widespread naloxone availability has resulted in many lives  
19 saved; and

20 WHEREAS, Law enforcement reported to the Department of Drug  
21 and Alcohol Programs that they have saved more than 6,400 lives  
22 with naloxone through December 2017; and

23 WHEREAS, In June 2017, Attorney General Josh Shapiro  
24 announced that a bipartisan investigation to evaluate whether  
25 pharmaceutical manufacturers have engaged in unlawful practices  
26 in the marketing and sale of opioids was being conducted with 41  
27 other state Attorneys General; and

28 WHEREAS, The opioid epidemic was declared a public health  
29 emergency in October 2017 by the President of the United States;  
30 and

1       WHEREAS, A disaster emergency due to the opioid crisis was  
2 declared by the Governor in January 2018 and has since been  
3 renewed five times; and

4       WHEREAS, The emergency declaration established an Opioid  
5 Command Center to enhance coordination and data collection to  
6 bolster State and local response and to improve tools for  
7 families, first responders and others to save lives and to  
8 remove various barriers to speed up and expand access to  
9 treatment; and

10       WHEREAS, Despite the great strides this Commonwealth has  
11 taken in addressing the opioid crisis, it is clear that more  
12 needs to be done, as tens of thousands of Pennsylvanians  
13 continue to lose their lives each year; and

14       WHEREAS, Holding individuals who supply drugs accountable for  
15 harm is an important deterrent to co-conspirators; and

16       WHEREAS, Section 2506 of Title 18 of the Pennsylvania  
17 Consolidated Statutes states that a person commits a first  
18 degree felony if one intentionally administers, dispenses,  
19 delivers, gives, prescribes, sells or distributes any controlled  
20 substance or counterfeit controlled substance in violation of  
21 certain sections of The Controlled Substance, Drug, Device and  
22 Cosmetic Act, and another person dies as a result; and

23       WHEREAS, The equivalent Federal statute is section 841 of  
24 Title 18 of the United States Code; and

25       WHEREAS, It has been reported that various pharmaceutical  
26 companies, distributors and manufacturers have been investigated  
27 and fined by the DEA for failing to operate mandatory internal  
28 oversight systems in good faith, report suspicious orders to the  
29 DEA and halt the shipment of suspicious controlled substance  
30 orders once discovered; and

1       WHEREAS, Additional various Federal and State statutes that  
2 may be relevant include the Controlled Substances Act, the  
3 Unfair Trade Practices and Consumer Protection Law and common  
4 law negligence and fraud; and

5       WHEREAS, Certain pharmaceutical companies have spent and  
6 continue to spend hundreds of millions of dollars to defraud or  
7 mislead healthcare professionals, patients and the public about  
8 the addictiveness of powerful prescription opioid drugs; and

9       WHEREAS, These pharmaceutical companies used not only  
10 misleading, but fake scientific charts and data to convince the  
11 medical community to increasingly prescribe opioid drugs; and

12       WHEREAS, The deceptive marketing practices included the  
13 downplaying of the serious risk of addiction, promoting the  
14 concept of "pseudoaddiction" and advocating that the signs of  
15 addiction should be treated with more opioids, claiming that  
16 opioid dependence and withdrawal are easily managed and denying  
17 the risks of higher opioid dosages; and

18       WHEREAS, Through such questionable practices and the sale of  
19 opioid medications, pharmaceutical companies, distributors and  
20 manufacturers have earned and continue to earn billions of  
21 dollars in profits; and

22       WHEREAS, Opioid sales peaked at \$8 billion in revenue for  
23 drug companies in 2015; and

24       WHEREAS, The Associated Press and the Center for Public  
25 Integrity published an investigation outlining how certain  
26 pharmaceutical companies and their allies have adopted a 50-  
27 state strategy that includes hundreds of lobbyists and nearly \$1  
28 billion spent on lobbying and campaign contributions from 2006  
29 through 2015 to help kill or weaken measures aimed at stemming  
30 the tide of prescription opioids; and

1       WHEREAS, Although some pharmaceutical companies, distributors  
2 and manufacturers announced in 2018 that they would be ending  
3 the practice of promoting opioid medications to prescribers  
4 through sales representatives, this process did not occur until  
5 after large profits were made, an opioid crisis was created and  
6 lawsuits were filed; and

7       WHEREAS, States have historically filed lawsuits against  
8 industries that engaged in illegal business practices, such as  
9 the tobacco industry in the 1990s, in order to protect their  
10 residents; and

11       WHEREAS, By pursuing legal action against the pharmaceutical  
12 companies, distributors and manufacturers, the Commonwealth is  
13 attempting to hold those that had and continue to have a  
14 significant role in the creation of the opioid crisis  
15 responsible; and

16       WHEREAS, Lawsuits against pharmaceutical companies and  
17 manufacturers for their role in the opioid epidemic are not  
18 without legal precedent; and

19       WHEREAS, In 2007, Purdue Pharma, a large pharmaceutical  
20 company and the maker of the opioid OxyContin pled guilty to  
21 "misbranding," a felony charge that they misled regulators,  
22 doctors and patients about the drug's risk of addiction and its  
23 potential to be abused; and

24       WHEREAS, More than 1,600 lawsuits filed by counties,  
25 municipalities, hospitals and others have been consolidated in  
26 Federal court into a case known as the National Prescription  
27 Opiate Litigation, and is currently pending against dozens of  
28 pharmaceutical companies, distributors and manufacturers in  
29 Ohio; and

30       WHEREAS, Additionally, almost 40 state Attorneys General have

1 filed lawsuits to hold those who created or contributed to the  
2 opioid crisis responsible; and

3 WHEREAS, Some of the state Attorneys General filed these  
4 lawsuits on behalf of the residents of their states despite  
5 continuing to collaborate with the Pennsylvania Office of  
6 Attorney General on the important bipartisan investigation to  
7 evaluate whether pharmaceutical manufacturers have engaged in  
8 unlawful practices in the marketing and sale of opioids; and

9 WHEREAS, On March 26, 2019, Purdue Pharma agreed to pay \$270  
10 million in an opioid settlement with the state of Oklahoma in  
11 the first of almost 2,000 lawsuits that are pending against this  
12 and other pharmaceutical companies; and

13 WHEREAS, Purdue Pharma reportedly is beginning to explore the  
14 possibility of filing Chapter 11 bankruptcy, which could  
15 temporarily insulate one of the main contributors and profiteers  
16 of the opioid epidemic from settlements or large judgments;  
17 therefore be it

18 RESOLVED, That the House of Representatives, though  
19 applauding the work of the Office of Attorney General in  
20 combating the opioid crisis in Pennsylvania through its  
21 bipartisan and multistate investigation, recognize that an  
22 urgent need exists for the Commonwealth to do more; and be it  
23 further

24 RESOLVED, That the House of Representatives urge the Office  
25 of Attorney General as the top law enforcement officer to file  
26 lawsuits against the pharmaceutical companies, distributors and  
27 manufacturers for their practices that caused or contributed to  
28 the opioid crisis in this Commonwealth; and be it further

29 RESOLVED, That the House of Representatives urge the Office  
30 of Attorney General to not only pursue civil litigation, but all



1 legal avenues, including wrongful death suits on behalf of the  
2 tens of thousands of Pennsylvania families who have lost loved  
3 ones to the opioid epidemic.