

LOBBY WATCH



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Who Sells Execution Solutions?

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Global Supply Chain Strains Huntsville's Lethal Injections

Hospira Made the Ultimate Anesthesia; AmerisourceBergen Supplied It to TDCJ.

I will prescribe regimens for the good of my patients according to my ability and my judgment and never do harm to anyone. --Hippocratic Oath

Long addicted to lethal injections, Texas is having trouble scoring a fix. In November Britain banned exports of sodium thiopental, one of three drugs that Texas uses in its death-row cocktails.

At the time, the only U.S. producer of the drug was shifting its thiopental production to Italy. On Christmas Eve Italy's Parliament unanimously demanded guarantees from Illinois-based Hospira, Inc. that no thiopental produced there would be used in executions.¹ Saying it could not make such guarantees, Hospira opted to abandon the product. Italian Foreign Minister Franco Frattini praised the company for helping Italy "prevent the drug from reaching U.S. penitentiaries and being used for capital punishment."

Hospira makes drugs "to improve or save lives" and condemns lethal, off-label uses of them for executions, says spokesman Dan Rosenberg. The company conveyed this position to the prison systems of all 50 states last March, he says.

When Italy prompted Hospira to abandon thiopental, Rosenberg says the company was finalizing a policy whereby its distributors would agree not to sell that drug to prisons for executions. "They were all agreeable to it," he says. But Rosenberg says it's ultimately "impossible to control where a

AmerisourceBergen PAC Contributions Since 2005

Amount	Recipient
\$5,000	Sen. Jane Nelson (R)
\$3,100	Sen. Leticia Van De Putte (D)
\$1,250	Rep. Tan Parker (R)
\$1,000	Sen. Bob Deuell (R)
\$1,000	Rep. Rob Eissler (R)
\$1,000	Sen. Florence Shapiro (R)
\$750	Rep. Burt Solomons (R)
\$500	Rep. Dan Branch (R)
\$500	Rep. Charles Geren (R)
\$500	Rep. Kelly Hancock (R)
\$500	Rep. Will Hartnett (R)
\$500	Rep. Charlie Howard (R)
\$500	Rep. Donna S. Howard (D)
\$500	Sen. Joan Huffman (R)
\$500	Rep. Jim Jackson (R)
\$500	Rep. Susan King (R)
\$500	Rep. Tim Kleinschmidt (R)
\$500	Rep. Lois Kolkhorst ((R)
\$500	Ex. Sen. Frank Madla (D)
\$500	Rep. Charles Schwertner (R)
\$500	Rep. John Zerwas (R)
\$450	TX Pharmacy Assn. PAC
\$20,550	TOTAL

drug ends up and what it's used for," since Hospira's distributors supply third parties who might sell to death row.

Although Hospira continues to produce the two other drugs that Texas and other states use in lethal injections, several factors set thiopental apart. Hospira was the only FDA-approved manufacturer of that drug,² which Hospira sought to produce in Europe—where the death penalty is condemned as barbaric. In contrast, Hospira produces the other two drugs (pancuronium bromide and potassium chloride) in the United States, where it is not the sole producer.

Italy apparently prompted Hospira to talk to its suppliers about keeping thiopental off death row. Rosenberg says the company has not had the same kinds of talks with its suppliers about the two other drugs used in lethal injections.

Last week death-row defense attorneys smoked out one of Hospira's distributors when they forced the Texas Department of Criminal Justice (TDCJ) to disclose the source of its execution drugs. A state judge ordered the agency to release documents that show that it got all three of its execution drugs from Besse Medical, a unit of AmerisourceBergen Corp.³



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Maurie Levin of the University of Texas' Capital Punishment Clinic helped force TDCJ to disclose its supply chain for death-row drugs. She says the documents show that TDCJ ordered "the very three drugs that they use in lethal injections" from Amerisource's Besse Medical. "It's implausible that the supplier didn't know what these drugs were used for," Levin says.

Amerisource representatives did not return calls about the matter. Spokeswoman Barbara Brungess told *Lobby Watch* in a written statement that "AmerisourceBergen has no insight into how a licensed provider uses a product." She added that

Brad Shields' 2010 Client List

Clients	Max. Value of Contracts
AmerisourceBergen Corp.	\$100,000
TX Federation of Drug Stores	\$100,000
TX Smokestack School Coalition	\$100,000
TX Society of Health System Pharmacists	\$100,000
Am. Assn. of Preferred Provider Orgs	\$50,000
Petrologistics LLC	\$50,000
Saint Michaels Emergency Centers	\$50,000
Security Finance Corp	\$50,000
TX Academy of Audiologists	\$50,000
TX Dental Hygienists' Assn.	\$50,000
TX Emergency Care Center	\$50,000
TX Yoga Assn.	\$50,000
Al's Formal Wear	\$25,000
RaptorWare	\$25,000
Council on At-Risk Youth	\$10,000
Diversified Specialty Institute	\$10,000
Eanes Independent School District	\$10,000
School Health Corp.	\$0
TOTALS:	\$880,000



the company "has no stated position on the death penalty." Does Amerisource supply lethal-injection drugs to prisons in any other states? "We do not discuss any individual customers," Brungess wrote.

Dr. Jane Henney is a medical doctor and former FDA commissioner who sits on Amerisource's board. Dr. Henney now works at the University of Cincinnati—not far from the Amerisource unit that supplied all of TDCJ's execution drugs. She did not return a call seeking comment.

Even the state that leads the nation in executions does not appear to spend much on lethal drugs.

Levin, who says she hasn't added up the TDCJ purchase orders, estimates that a typical shipment cost \$1,000.⁴ This suggests that other business drove Amerisource's political spending in Texas.

Amerisource is a top client of Austin father-and-son lobbyists Brad Shields junior and senior. The company has paid the duo up to \$450,000 since 2009 (it previously retained Hughes & Luce).⁵

The elder Shields says he did not know that his client supplied death row until *Lobby Watch* called about it. "If the prison system is ordering those drugs," Shields says, "I would think you'd have to know what they are for." Shields says he monitors legislation affecting Amerisource's pharmacy customers, who have a turf war with mail-order drug companies.

AmerisourceBergen's PAC injected \$20,550 into Texas political campaigns over the past five years, a period in which Texas executed 128 people. The top recipients of these funds were Senate Health and Human Services Chair Jane Nelson and Senator Leticia Van De Putte, a pharmacist.

In her written statement, Amerisource's Brungess says, "At no time have we ever lobbied on matters relating to the death penalty in the State of Texas, or in any other state."

Hospira's faint Texas money trail emanates from the company's Austin plant, which makes plastic drug bags. Some employees there are modest political contributors, with several of them backing Republican maverick Debra Medina and the Libertarian Party.

TDCJ's supply of sodium thiopental expires in March. To keep its unrivalled execution machine rolling, TDCJ needs to switch to non-pharmaceutical executions, find a new source of the drug or use different drugs. Texas has expertise in this area. In 2009 Houston Dr. Conrad Murray prescribed the anesthetic propofol that took the King of Pop on his final trip to Neverland.

Do no harm. •

Austin Hospira Employee Contributions Since 2005

Amount	Hospira Employee	Hospira Job	Contributed To
\$200	Lillian Simmons	Manufacturing	Libertarian Party of Texas
\$100	Marc W. Vinson	Machinist	Debra Medina
\$69	James R. Smajstrla	Engineer	Libertarian Party of Texas
\$50	John Gower	Administrator	Travis Co. Democratic Party
\$50	Davidson Isokpunwu	Pharmacist	Texas Pharmacy Assn. PAC
\$50	James R. Smajstrla	Engineer	Debra Medina
\$519	TOTAL		

Notes

¹ "Death Penalty System Threatened After Hospira Pulls Plug on Drug," *Wall Street Journal*, January 21, 2011.

² "How Italian Catholics Pulled the Plug on US Executions," *America*, January 21, 2011.

³ "Hospira drug shortage holds up U.S. executions," Associated Press, September 27, 2010.

⁴ "Ohio Company Named As Supplier of Texas Lethal Injections Drugs," *Austin American-Statesman*, January 21, 2011. In 2001 Amerisource acquired Bergen Brunswig Corp., which had bought Besse Medical in 1997.

⁵ Hospira's thiopental sales totaled \$6 million in 2009, well under one percent of its total sales revenue. "Drug Halt Hinders Executions in the U.S.," *Wall Street Journal*, January 22, 2011. Abbott Labs spun off Hospira into an independent company in 2004.

⁶ Amerisource paid a total of up to \$225,000 to Hughes & Luce lobbyists John Erskine, Jr., Denice Marchman, Myra Leo, Larry McGinnis and Marc Shivers in 2002 and 2003.