



# Herbert H. Slatery III Attorney General & Reporter

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## TN ATTORNEY GENERAL SUES OPIOID DISTRIBUTOR AMERISOURCEBERGEN

*Overdistribution created devastating glut of prescription narcotics in Tennessee*

**Nashville**-Attorney General Herbert H. Slatery III announced today that he sued AmerisourceBergen Drug Corporation for its unlawful distribution of pharmaceutical narcotics and its role in generating and prolonging the ongoing opioid epidemic in Tennessee. The State of Tennessee has already filed enforcement actions against two drug manufacturers, but Amerisource is the first distributor to be sued as part of the State's ongoing opioid investigation and enforcement sweep.

The lawsuit was filed in Knox County Circuit Court and alleges that Amerisource violated the Tennessee Consumer Protection Act as well as the Tennessee Racketeer Influenced and Corrupt Organizations (RICO) Act.

Pharmaceutical distributors and wholesalers are a crucial link in the opioid supply chain, functioning as gatekeepers between the companies that make the drugs and the pharmacies that dispense them to patients. Because of their critical position and the inherent danger of opioids, distributors such as Amerisource are subject to specific state and federal laws, which are designed to protect the public and prevent the diversion of prescription narcotics into illicit drug traffic.

"Our Office has conducted an extensive investigation into AmerisourceBergen's unlawful conduct," said General Slatery. "We believe the company actively subverted and exploited its unique position in the opioid supply chain and its market power to maximize profits. The numbers don't lie. Amerisource made billions. On the other hand, Tennessee has to deal with the consequences of a public health crisis whose severity and destruction I find really hard to describe."

The allegations in the State's approximately 230-page complaint reveal how Amerisource, one of the largest distributors in the country with revenues of \$167.9 billion in 2018, shipped hundreds of millions of prescription opioids to Tennessee pharmacies for years, even when it knew the drugs were being abused and sold on the street.

A disproportionate amount of Amerisource's opioid distribution in Tennessee was oxycodone, specifically oxycodone 30, one of the most widely abused painkillers. From 2006 to 2012, Amerisource distributed 8,555,800 immediate release oxycodone 30 mg pills to Food City # 674 located in Bearden. On November 2, 2010, Amerisource shipped 168,000 oxycodone immediate



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release 30 mg pills to Food City # 674, an amount almost equal to Knoxville's population on that one day.

The Complaint alleges Amerisource continued to ship opioids to pharmacies in Tennessee despite direct knowledge of red flags for abuse and diversion of opioids. Red flags for abuse and diversion include patients abusing and selling drugs in pharmacy parking lots, ongoing investigations by the Drug Enforcement Administration, disproportionate purchasing ratios, and dispensing highly dangerous, medically suspect combinations of drugs. In addition to supplying opioids to known problem pharmacies, Amerisource's overdistribution resulted in a devastating glut of prescription narcotics in Tennessee.

As with the lawsuits against opioid manufacturers Purdue Pharma and Endo, the Attorney General requested this complaint be filed under a temporary seal, because Amerisource previously claimed the information it produced during the State's investigation is confidential. The seal will automatically expire unless Amerisource or another party that provided information moves to keep it in place.

Attorney General Slatery believes the complaint should be made publicly available in its entirety and that efforts to keep it confidential will only prolong the effort to hold Amerisource accountable for its conduct.

Tennessee leads a multistate group of Attorneys General who are engaged in continuing settlement negotiations with certain manufacturers and distributors. The Attorney General's Office continues to work toward an outcome that will provide comprehensive injunctive relief as well as statewide remediation to assist with prevention, treatment, and education in every community—particularly those hit hardest by the opioid epidemic.

AmerisourceBergen is headquartered in Chesterbrook, Pennsylvania. For more information see <https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2019/pr19-41-motion.pdf>

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