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AG SLATERY SUES WALGREENS FOR UNLAWFUL DISTRIBUTION AND SALE OF OPIOIDS

Walgreens exploited its dual position as distributor and retailer to dramatically increase flow of opioids, profits

Nashville- Attorney General Herbert H. Slatery III has filed a lawsuit against Walgreens in Knox County Circuit Court for violations of the Tennessee Consumer Protection Act, violating Tennessee’s public nuisance statute, and creating a common law public nuisance through its unlawful sale and distribution of opioids. Its failure to maintain effective controls against abuse and diversion has directly contributed to the ongoing opioid crisis.

The lawsuit focuses on Walgreen’s actions between 2006-2020 as both a distributor and retailer of controlled substances. The State alleges the company, which has one of the largest market shares in Tennessee, had unique and superior knowledge of the volume of opioids flowing through its stores because of its dual role in the marketplace.

For example, the State says between 2006-2020, Walgreens operated between 200 and 300 retail stores in Tennessee. During this time, these stores dispensed over 1.1 billion oxycodone and hydrocodone pills. With Tennessee’s population between six and seven million citizens, **Walgreens alone sold approximately 175 oxycodone or hydrocodone pills for every man, woman, and child in Tennessee.** Walgreen’s pharmacy in Jamestown alone dispensed enough to give every Jamestown resident 2,104 pills.

“Walgreens did not flood the State of Tennessee with opioids by accident,” said General Slatery. “Rather, the fuel that Walgreens added to the fire of the opioid epidemic was the result of knowing—or willfully ignorant—corporate decisions. Walgreens ignored numerous red flags and failed to detect and prevent the abuse and diversion of dangerous narcotics.”

The lawsuit provides examples of Walgreens’ blatant and alarming oversupply of opioids in Tennessee:

Regularly sold huge quantities of dangerous “high risk” prescription combinations, in particular the “Holy Trinity” of an opioid, a benzodiazepine (e.g., Xanax), and a muscle relaxer (e.g., Soma).



Herbert H. Slatery III Attorney General & Reporter

For years, Walgreens failed to perform due diligence or even train its pharmacists on how to recognize red flags for opioid abuse and diversion.

Walgreens' pharmacies in Tennessee dispensed opioids to patients from at least 31 different states.

Ignored or watered-down reports of suspicious prescribers, allowing its pharmacies to continue selling opioids even after these doctors, nurses, and physician assistants were raided, disciplined, arrested, or indicted.

It also continued selling massive quantities of opioids despite clear evidence that prescriptions through identified doctors were unlawful. For example, Walgreens filled dangerous prescriptions from a doctor in McMinnville, Tennessee who was well known for lying about patient's diagnoses, prescribing opioids to patients who were currently serving jail time and prescribing to out-of-state patients. Despite being told this doctor's practice was "a danger to the community and needs to be blocked," Walgreens refused and the very next year dispensed more than twice as many opioids prescribed by him.

Walgreens filled numerous opioid prescriptions for children as young as two-years old, including one which was the largest narcotics prescription written by a dentist in Erin, Tennessee. The prescription was 2.5 times the recommended maximum daily dose of opioids for an adult.

Walgreens' pharmacies in Tennessee dispensed 103,000 pills prescribed by an OB-GYN in Germantown from June 2013 to March 2014. Almost 20% of the Opioid Dosage Units (ODUs) prescribed and filled by Walgreens from this doctor were for out-of-state patients.

Walgreens' pharmacies regularly filled prescriptions from a family doctor in Brentwood who prescribed more OxyContin between 2006 and 2016 than any other health care professional in Tennessee (despite his not prescribing any tablets from 2013 to 2016 because his license was suspended).

The State is seeking injunctive relief, civil penalties for Walgreen's violations of law, disgorgement of its ill-gotten gains, abatement of the public nuisance that Walgreens substantially helped to create, seizure and forfeiture of moneys and stock used in or in connection with the maintaining or conducting of a nuisance, and recoupment of the State's costs.



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The lawsuit is part of a series of actions the State has filed against companies for opioid-related misconduct. The State has previously sued manufacturers Purdue Pharma L.P. and Endo Pharmaceuticals Inc.; AmerisourceBergen Drug Corporation, one of the largest distributors of opioids in Tennessee; as well as Food City Supermarkets, LLC and K-VA-T Food Stores, Inc. Tennessee also continues to lead a multistate group of Attorneys General who are investigating various manufacturers and distributors and seeking to hold them accountable and recover funds to abate the opioid epidemic to which they contributed.

To access the lawsuit, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-29-complaint.pdf>

To access the Notice of Intent to Sue, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2022/pr22-29-letter.pdf>

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