

1 **JOINT RESOLUTION CALLING UPON THE ATTORNEY**
2 **GENERAL TO SUE PRESCRIPTION OPIOID**
3 **MANUFACTURERS**

4 2018 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Michael K. McKell**

7 Senate Sponsor: Jim Dabakis

8
9 **LONG TITLE**

10 **General Description:**

11 This joint resolution calls upon the attorney general to sue prescription opioid
12 manufacturers.

13 **Highlighted Provisions:**

14 This joint resolution:
15 ▶ describes serious allegations that have been raised regarding deceptive marketing
16 practices used by prescription opioid manufacturers to sell prescription opioids;
17 ▶ describes the effects of the prescription opioid crisis on the state and nation;
18 ▶ describes the impact of the opioid crisis on the state;
19 ▶ lists other states and Utah counties that have filed suit or committed to file suit
20 against prescription opioid manufacturers; and
21 ▶ calls upon the attorney general to sue prescription opioid manufacturers.

22 **Special Clauses:**

23 None

24
25 *Be it resolved by the Legislature of the state of Utah:*

26 WHEREAS, serious allegations have been raised that prescription opioid manufacturers
27 have systematically engaged in deceptive marketing practices and fraudulent coverups to



28 advance the sale of prescription opioids by:

- 29 (1) downplaying the serious risk of addiction;
- 30 (2) promoting the concept of "pseudoaddiction" and advocating that the signs of
- 31 addiction should be treated with more opioids;
- 32 (3) claiming that opioid dependence and withdrawal are easily managed; and
- 33 (4) denying the risks of higher opioid dosages;

34 WHEREAS, serious allegations have been raised that prescription opioid manufacturers

35 spread, and continue to spread, misinformation about the risks of their products:

- 36 (1) through false and deceptive direct marketing;
- 37 (2) by using a diverse group of seemingly independent third parties to spread false and
- 38 deceptive statements about the risks and benefits of opioids; and
- 39 (3) by using a diverse group of false organizations, that purport to be neutral,
- 40 independent, and trusted third parties, to publish false information regarding the risks and
- 41 benefits of opioids in order to deceive doctors and health care providers;

42 WHEREAS, this behavior occurred as the North American prescription opioid market

43 grow to a value of \$12.4 billion in 2015 with an expected annual growth rate of 4.6%;

44 WHEREAS, prescription opioid manufacturers realized these profits as thousands of

45 individuals lost their lives, having fallen victim to prescription opioid addictions;

46 WHEREAS, 91 Americans die each day from opioid-related drug overdose deaths

47 according to the Centers for Disease Control;

48 WHEREAS, drug overdoses kill more Americans under age 50 than anything else;

49 WHEREAS, conservative estimates show that 500,000 people will die in the United

50 States over the next decade due to opioid overdose, which is more than HIV/AIDS has killed

51 since that epidemic began in the early 1980s;

52 WHEREAS, more people die each year from opioid overdoses than from drivers who

53 are under the influence of alcohol;

54 WHEREAS, Utah has the seventh-highest drug overdose rate in the United States;

55 WHEREAS, in 2015, one person died nearly every day from an opioid overdose in

56 Utah;

57 WHEREAS, according to the Department of Health, the rate of prescription opioids

58 dispensed in Utah from 2002 to 2015 grew by 29.4%, averaging nearly five opioid

59 prescriptions per patient in 2015;

60 WHEREAS, from 2000 to 2015, the state experienced a nearly 400% increase in deaths
61 from the misuse and abuse of prescription drugs;

62 WHEREAS, drug overdoses kill more people in Utah than motor vehicle crashes;

63 WHEREAS, in 2014, 32% of Utah adults aged 18 years and older were prescribed an
64 opioid pain medication;

65 WHEREAS, the Council of Economic Advisers estimates that in 2015, the economic
66 cost of the opioid crisis was \$504 billion, or 2.8% of the nation's gross domestic product that
67 year;

68 WHEREAS, the state and its political subdivisions' law enforcement, criminal justice,
69 drug treatment, and other social service programs have incurred enormous costs because of the
70 opioid crisis;

71 WHEREAS, President Donald Trump declared the opioid epidemic a public health
72 emergency in October 2017;

73 WHEREAS, 16 states have already filed suit against opioid manufacturers seeking
74 damages for the public cost of the opioid crisis: Alaska, Arizona, Delaware, Illinois, Kentucky,
75 Louisiana, Mississippi, Missouri, New Hampshire, New Mexico, New Jersey, Ohio,
76 Oklahoma, South Carolina, West Virginia, and Washington;

77 WHEREAS, dozens of local jurisdictions have also filed suit against opioid
78 manufactures; and

79 WHEREAS, Cache, Davis, Salt Lake, Utah, Washington, and Weber counties have
80 already announced plans to file suit against prescription opioid manufacturers because of:

81 (1) the highly evident costs of the opioid crisis to the state;
82 (2) opioid manufacturers' clear and reckless role in perpetuating the crisis;
83 (3) opioid manufacturers' apparent indifference toward the problems they are accused
84 of causing;

85 (4) the clear path other states have laid for Utah to follow; and

86 (5) consistent requests from civic and political leaders and the citizens of the state:

87 NOW, THEREFORE, BE IT RESOLVED that the Legislature calls upon the attorney
88 general to:

89 (1) immediately and publicly commit to directly filing suit against prescription opioid

90 manufacturers, instead of joining a suit with other plaintiffs, in order to seek the maximum
91 award for damages from prescription opioid manufacturers for the citizens of the state; and

92 (2) proceed with haste to file suit against prescription opioid manufacturers in order to
93 hold them accountable for the destruction and devastation they have inflicted upon the citizens
94 of the state.

95 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the attorney
96 general immediately after the Legislature passes this resolution.

Legislative Review Note
Office of Legislative Research and General Counsel