

# State of Arizona Announces Change to Lethal Injection Protocol

## *Two Drug Protocol To Be Used When Carrying Out Executions*

**Phoenix, AZ** (Wednesday, March 26, 2014) – Attorney General Tom Horne is today announcing that the Arizona Department of Corrections (DOC) has changed its lethal injection protocol to allow for the additional use of a two-drug protocol using Medazolam and Hydromorphone in carrying out executions.

Arizona, like other states, has chosen lethal injection as the method to conduct executions and for this very reason DOC uses, and therefore needs, the appropriate drugs to carry out the death sentence placed upon defendants who are convicted of murder.

The two-drug protocol has already been used in Ohio, and Arizona will be using an even greater concentration. Because of Arizona's confidentiality law (A.R.S. § 13-757(C)) the compound pharmacist and/or company that provides these drugs to the Arizona Department of Corrections will remain confidential.

It is very important that people understand the reason Arizona and 31 states across the country are finding it difficult, if not impossible, to obtain pentobarbital and why the source of the drugs is confidential. Arizona used pentobarbital in the last 11 executions since 2011. Courts across the country found that the use of this drug complied with the 8th Amendment's prohibition against cruel and unusual punishment – that is, pentobarbital is safe. In Arizona, there is no evidence that an inmate has suffered pain in any execution. After challenges to the use of pentobarbital proved unsuccessful in the courts, counsel for inmates switched course and began attacking the suppliers of the drug – by challenging the source and asking for it to be revealed.

Because of this change in strategy, compounding pharmacies in Texas and Oklahoma that had been providing pentobarbital for executions are now refusing to provide it after their identity was released publicly and they began to receive threats. This kind of reaction has caused companies that sell the drug to corrections' agencies to stop supplying it for the purposes of inmate executions. This further drives home the point that this has now become a public safety issue and states have a legitimate interest in keeping the source of the drugs confidential.

The Arizona DOC carries out executions in a constitutional manner and in a way that is transparent to the public. But transparency has its limits when used to undermine government agencies from carrying out their lawful duties. Arizona had an extremely effective protocol for carrying out executions that withstood court challenges, but the legal maneuvering and game playing has caused the once plentiful supply of that protocol (pentobarbital) to stop. The Arizona Department of Corrections is therefore modifying its execution protocol to allow for the use of two additional drugs that have been used elsewhere. As recently as last week, Oklahoma modified its protocol to allow for the use of the same drugs.

Being lost in the conversation and political maneuvering is the fact that family of murdered love ones are paying the ultimate price as they wait for justice to be carried out.

September 9, 2014  
cited in Wood v. Ryan, No. 14-10310, archived on