

# Danish Company Blocks Sale of Drug for U.S. Executions

By DAVID JOLLY  
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PARIS — A Danish pharmaceutical company said Friday that it would stop shipping a powerful drug to American prisons that carry out the death penalty by lethal injection because some states began using it as a substitute for another compound that was taken off the market.

The company, Lundbeck, said in a statement that it “adamantly opposes the distressing misuse of our product in capital punishment.” Lundbeck informed its distributors that from now on its sodium pentobarbital injection, a barbiturate sold under the brand name Nembutal, would be available in states that conduct lethal-injection executions on only a restricted basis.

“After much consideration, we have determined that a restricted distribution system is the most meaningful means through which we can restrict the misuse of Nembutal,” Ulf Wiinberg, Lundbeck’s chief executive, said in the statement. “While the company has never sold the product directly to prisons and therefore can’t make guarantees, we are confident that our new distribution program will play a substantial role in restricting prisons’ access to Nembutal for misuse as part of lethal injection.”

The death penalty is prohibited throughout the 27-member European Union, and human rights groups have brought pressure on drugmakers not to supply lethal drugs for American executions.

In execution by lethal drugs, a prisoner is injected with one or more drugs, which can include anesthetics, barbiturates and muscle relaxants.

Lundbeck’s decision applies to prisons in 14 states, said Mads Kronborg, a company spokesman. It follows moves by states including Mississippi, Ohio, Oklahoma and Texas, to use the drug for executions. States [began using pentobarbital as a substitute](#) for the anesthetic sodium thiopental when that drug’s only American producer, Hospira Inc. of Lake Forest, Ill., announced in January that it would stop selling the drug.

Reprieve, a human rights group in London that has led in the movement to stop European companies from selling lethal injection drugs to the United States, said pentobarbital had been used to execute 18 prisoners.

“We also need to see action from the European Commission to block the export of execution drugs from the E.U. to the U.S.,” a Reprieve spokeswoman, Maya Foa, said in a statement. “Several European firms have already become involved in this grim business on their watch — this must not be allowed to happen again.”

While pentobarbital is an old drug, vulnerable to competition from generics, Nembutal is currently the only version available in the United States that can be injected, Mr. Kronborg said.

“We would have withdrawn it from the market,” he said. “Strategically, financially it’s completely insignificant to us.

“But experts said it was important to have it available for therapeutic use,” including as an

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emergency treatment of severe epilepsy and as a strong sedative, he added.

Lundbeck said it would review orders before providing clearance for shipping the drug and deny orders from prisons located in states currently carrying out executions. Purchasers must give written agreement that they will not redistribute the drug. Previously, distributors were required only to ensure that a buyer had the necessary licenses for ordering controlled substances.

“We were completely shocked and outraged” to learn that the drug was being used for executions, Mr. Kronborg said. “States and prisons never asked. We only found about it from the media. If they had asked, we would have said no.”

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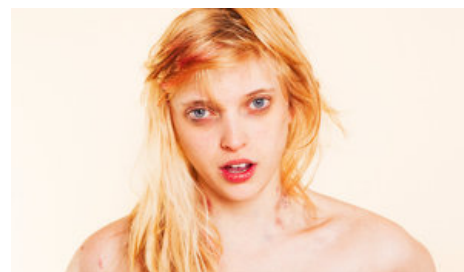


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*Cited in Wood v. Ryan, No. 14-16310 archived on September 9, 2014*