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Make Louisiana execution drug suppliers secret, state prison boss asks Legislature

Angola execution lethal injection chamber

The death chamber at Louisiana's Angola State Prison has a gurney for lethal injections. Legislation has been introduced that will make it impossible for the public, defense lawyers and state judges to know the origins of the drugs used in lethal injections. (*NOLA.com* | *The Times-Picayune archive*)

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Legislation that would block the public, criminal lawyers, state courts and other investigative bodies from finding out who supplies Louisiana with the drugs used to administer the death penalty came one step closer to becoming law Tuesday (May 13). The bill has been moved to the full state House of Representatives for a vote.

The bill, should it become law, would keep all identifying information of people who perform state executions and those who supply the drugs that kill death row inmates confidential. Defense lawyers are **currently challenging Louisiana** in court over the state's refusal to disclose the origins of the drug cocktail it intends to use in lethal injections.

Lawyers representing convicted killers facing the death penalty say they need to know the provider of the drugs to ensure that their clients won't face cruel and unusual punishment, which is prohibited by the U.S. Constitution.

But the secrecy is necessary to ensure Louisiana can purchase the execution drugs, said Department of Corrections Secretary Jimmy LeBlanc. Many companies are not interested in becoming infamous for providing execution drugs and have cut off access to their products. In other cases, European providers have refused to sell their drugs to certain suppliers, after discovering they were being used to put people to death.

"This is about protecting the suppliers. It's a protection issue, not a secrecy issue," said LeBlanc to the Committee on House and Governmental Affairs.

The source of lethal injection drugs is particularly sensitive topic now, following **the painful execution** of one man in Oklahoma and **other complications** with a lethal injection in Ohio earlier this year.

But if Louisiana is going to have the death penalty, the state currently must find a way to carry it out, said Rep. Joe Lopinto, R-Metairie, the sponsor of the bill. "Whether you are for the death penalty or against the death penalty, we have it here," he said.

There are ways to allow some people -- particularly defense lawyers and courts -- access to information about the origins of the drugs used in lethal injection, without exposing the suppliers to unwanted scrutiny, said Richard Bourke, of the **Louisiana Capital Assistance Center**, which represents people facing the death penalty.

In a case involving death row inmate Christopher Sepulvado, for example, a judge ruled that information concerning the lethal injection drug supplier only could be released to the prisoner, his defense team and court personnel. Exposure for a drug supplier or company in those cases can be limited, Bourke said.

"This bill is really about them not getting caught buying drugs from [the wrong] suppliers," said Bourke of Louisiana's motivation for the legislation. "It will promote rather than lessen the litigation around lethal injection in this state."

Securing legitimate drugs for lethal injection is a widespread problem. Many other states also refuse to disclose basic information about the compounds they use to carry out the death penalty. But courts around the country **are starting to take state governments to task** for being secretive about their lethal injection methods.

For example, Georgia **enacted a drug confidentiality law** back in 2013 that is very similar to the one Lopinto has proposed for Louisiana. But the measure **is currently being challenged** in the Georgia Supreme Court on the grounds that the state's secrecy about its lethal injection drugs violates the U.S. Constitution.

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