

States Face Shortage of Key Lethal Injection Drug



Kichiro Sato/Associated Press

A 2005 view of a death chamber in Ohio, where officials say there is enough sodium thiopental for an execution next month.

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Published: January 21, 2011

The sole American manufacturer of an anesthetic widely used in lethal injections said Friday that it would no longer produce the drug, a move likely to delay more executions and force states to adopt new drug combinations.

The manufacturer, [Hospira Inc.](#), of Lake Forest, Ill., had originally planned to resume production of the drug, sodium thiopental, this winter at a plant in Italy, giving state corrections departments hope that the scarcity that began last fall would ease.

But the Italian authorities said they would not permit export of the drug if it might be used for capital punishment. Hospira said in a statement Friday that its aim was to serve medical customers, but that “we could not prevent the drug from being diverted to departments of corrections” and the company did not want to expose itself to liability in Italy.

Hospira does not have domestic facilities that can make sodium thiopental, said Daniel Rosenberg, a spokesman, and has decided to “exit the market.” No other American companies manufacture the drug, which has largely been supplanted by alternatives in hospitals but is used by 34 of the 35 states that use lethal injection to carry out the death penalty. An average of 55 executions have taken place annually over the last 10 years, with 46 last year and 52 in 2009, virtually all of them by lethal injection.

During what had been described as a [temporary halt to production last year](#), scarcity of sodium thiopental led to delays in scheduled executions in at least two states, California and Oklahoma.

The extent to which execution schedules will be further disrupted by the drug shortage is not yet clear, but it could be considerable. In many states, adopting a new protocol for lethal injections requires formal proposals, public comment and often challenges in court — a process that can take months or more, said Richard Dieter, executive director of the [Death Penalty Information Center](#). But in others, switching drugs might be done more



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quickly, by administrative fiat.

Lethal injections commonly involve a sequence of three drugs that is set by state regulations: an anesthetic — sodium thiopental in every state but Oklahoma — intended to prevent pain, followed by a muscle relaxant and a drug that stops the heart.

As the shortage became acute last fall, California and Arizona obtained shipments of sodium thiopental from England, but the British government has since refused to allow exports of drugs for use in capital punishment, a policy that is under consideration by the entire [European Union](#).

Those were two of several special shipments to corrections departments permitted by the [Food and Drug Administration](#) in 2009 and 2010, said Christopher Kelly, a spokesman for the agency. “No shipments are currently being held,” Mr. Kelly said on Friday.

Texas, which carries out more executions than any other state, has an aging stock of sodium thiopental that will expire in March, leaving it unusable.

“There currently are four executions scheduled in Texas — two in February, one in May and one in July,” said Michelle Lyons, director of public information at the [Texas Department of Criminal Justice](#). “At this time, we have enough sodium thiopental on hand to carry out the two executions scheduled in February. In March, our supply of this particular drug is set to expire.”

“The Texas Department of Criminal Justice will explore other options, including possibly seeking an alternate drug for use in Texas’ lethal injection process,” she said in an e-mail.

Two states, Ohio and Washington, use only one drug, sodium thiopental, which is fatal at larger doses for executions.

“What I can tell you is Ohio does have enough sodium pentothal to carry out the execution scheduled in February,” said JoEllen Smith, a spokeswoman for the [Ohio Department of Rehabilitation and Correction](#), using an alternate name for the drug. “But beyond that we are going to decline to comment on our supply of the lethal injection drug.”

Officials in Washington said they had not had time to consider how to adapt to the news that sodium thiopental will no longer be available. The state has seven people on death row, but no executions are currently scheduled.

Officials in Arizona, where 134 people are on death row, said they had enough sodium thiopental for five executions, although none are currently scheduled.

Many states are expected to follow the lead of Oklahoma, substituting pentobarbital — another, more easily available anesthetic — in a similar three-drug sequence.

Pentobarbital is widely used in veterinary medicine and is also used in physician-assisted suicide in Oregon. Death penalty opponents challenged the switch last year in Oklahoma, arguing that the effectiveness of pentobarbital in preventing pain during executions had not been proved. But a federal judge sided with the state, which has since used the new drug in three executions.

Jerry Massie, a spokesman for the Oklahoma Department of Corrections, said the department orders the drug through a “private pharmacist” but would not specify who.

Only one company, [Lundbeck Inc.](#), now markets injectable pentobarbital in the United States, according to the F.D.A., but the agency said it was not aware of any shortage.

This article has been revised to reflect the following correction:

Correction: February 1, 2011

An article on Jan. 22 about a potential shortage of drugs used in executions referred incorrectly to Oregon’s law governing the drug pentobarbital. It may be used in physician-assisted suicide — not in euthanasia, which is illegal in Oregon.

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