

# **Drug maker opposes use of its sedative for executions**

## **Company asks Ohio, Oklahoma not to use its product on death-row inmates**

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COLUMBUS, Ohio — The sole U.S. manufacturer of a sedative Ohio plans to use to execute death row inmates as Oklahoma already does opposes the practice and asked the states to stop.

Lundbeck Inc. says the use of pentobarbital in executions goes against everything the company is in business to do.

"We like to develop and make available therapies that improve people's lives," Sally Benjamin Young, spokeswoman for the Denmark-based company's U.S. headquarters in Deerfield, Ill., told The Associated Press. "That's the focus of our business."

Young told msnbc.com that Lundbeck sent letters to Ohio and Oklahoma, but their contents were private. State prison officials in Ohio and Oklahoma both said they hadn't seen copies of the letter Wednesday and could not comment.

Convicted murderer Johnnie Baston, scheduled for execution in March 2011, could be the first in Ohio to use pentobarbital in a lethal injection.

The company issued a statement about the drug that has been available since 1930: "Lundbeck is dedicated to saving people's lives. We do this by offering therapies that help treat people with some of the most challenging medical conditions, including epilepsy, Huntington's disease and a range of other central nervous system disorders. Use of our products to end lives contradicts everything we're in business to do."

The statement acknowledged that Lundbeck cannot control applications of its products.

"Clearly, use of this product to carry out the death penalty in our nation's prisons falls outside its intended use."

Oklahoma has used the drug in combination with two others in three executions, while Ohio announced Tuesday it is switching to the sedative as the sole drug used to put inmates to death.

Ohio has not yet purchased its first supplies and Oklahoma has said it obtains its supply from a private pharmacy.

Both states switched to pentobarbital as a national shortage worsened of the drug they used previously, sodium thiopental.

That drug's sole U.S. manufacturer, Hospira Inc., of Lake Forest, Ill., deplored the drug's use in executions and also asked states not to use it, to no avail. The company announced last week it was discontinuing the product.

Pentobarbital is a barbiturate used to induce comas during surgeries to prevent brain damage when blood flow is interrupted, and to reduce possible brain damage following strokes or head trauma. It is chemically related to the same product used to euthanize pets.

Medical experts say Ohio and Oklahoma's dosages are so big they're lethal by themselves.

The amount that Oklahoma uses and Ohio has proposed — 5 grams — is 50 times the normal dosage used in hospitals, said Howard Nearman, chairman of the Anesthesiology Department at Case Western Reserve University School of Medicine in Cleveland.

Not only would a dosage that size stop someone's breathing, it would also likely cause a drastic drop in blood pressure, all of which would easily lead to a person's death, Nearman said Wednesday.

Experts who testified in a federal lawsuit trying to stop Oklahoma's proposed switch to pentobarbital were split on the drug's effectiveness in putting humans to death.

The size of Oklahoma's dosage "by itself would cause death in almost everyone," Mark Dershwitz, a University of Massachusetts anesthesiologist, said in a report submitted to a federal judge in an Oklahoma hearing last year.

"It's a massive overdose," Dershwitz said Wednesday in a phone interview.

A second expert testifying in Oklahoma said the lack of clinical evidence for using pentobarbital as an anesthetic raises questions about its effectiveness in capital punishment.

"The use of pentobarbital as an agent to induce anesthesia has no clinical history and is non-standard," Harvard medical professor David Waisel told the court.

"Because of these significant unknowns, and a lack of clinical history related to using pentobarbital to induce anesthesia, using pentobarbital as part of a 3-drug lethal injection protocol puts the inmate at an undue risk of suffering."

Waisel confirmed his comments in a follow-up phone interview Wednesday, saying there's no way of knowing the drug's effects.

The prisons department said it will use its remaining supply of sodium thiopental for the scheduled execution Feb. 17 of Frank Spisak, who killed three people at Cleveland State University in 1982.

Sodium thiopental is a rapid-onset, short-acting barbiturate that causes unconsciousness. It usually is followed by vecuronium bromide, which causes paralysis and stops breathing, and potassium chloride, which stops the heart.

Ohio's first use of pentobarbital is planned for March's scheduled execution of Johnnie Baston of Lucas County, condemned to die for shooting the owner of a Toledo store in the back of the head during a 1994 robbery.

The drug has been used in 200 of the 525 assisted suicides in Oregon since 1998, according to data compiled by the Oregon Public Health Division. It also was prescribed for 5 of 47 assisted-suicide patients in Washington state in 2009, state health statistics show.

The Dec. 16 execution of John David Duty, an Oklahoma death-row inmate, was believed to be the first use of pentobarbital in a lethal injection.

Lundbeck's [drug information](#) says its brand of pentobarbital, Nembutal Sodium Solution, is a barbiturate "indicated for use as a sedative, a hypnotic for short-term treatment of insomnia, preanaesthetic and as an anticonvulsant in the emergency control of certain acute convulsive episodes."

Lundbeck drug information warns that administering pentobarbital too rapidly may cause respiratory depression, loss of breathing, freezing up of vocal cords blocking air to the lungs, or widening of blood vessels with a fall in blood pressure.

"Lundbeck does not condone use of this or any product for capital punishment," the company said Wednesday.

The Associated Press contributed to this report.