

RESOLUTION NO. 2019-_____

A resolution requesting that the Spokane City Attorney provide to the City Council an analysis and recommendation concerning possible legal action against the manufacturers and distributors of addictive opioid medication.

WHEREAS, prescription opioids such as hydrocodone (*Vicodin*), oxycodone (*OxyContin* & *Percocet*), codeine, and fentanyl are commonly-prescribed painkillers; and

WHEREAS, these prescription opioids are molecularly similar to, and perform similar actions in the brain as, heroin; and

WHEREAS, studies show that prescription opioid misuse is a risk factor for heroin use and that individuals with opioid addiction often use heroin as a cheaper alternative to prescription opioids; and

WHEREAS, opioid manufacturers have been accused of using deceptive marketing and sales tactics and of manipulating scientific studies to mislead prescribers and Spokane residents about the addictive nature of their pills; and

WHEREAS, one of these manufacturers, Purdue Pharma, was criminally prosecuted and pled guilty to misbranding *Oxycontin*, but continues to generate billions of dollars from its sale of opioids today; and

WHEREAS, Washington Attorney General Bob Ferguson brought suit against Purdue Pharma in 2017 for “embarking on a massive deceptive marketing campaign and convincing doctors and the public that their drugs are effective for treating chronic pain and have a low risk of addiction, contrary to overwhelming evidence”; and

WHEREAS, three companies, which collectively earned more than \$481 billion in 2018 (McKesson, Cardinal Health, and AmerisourceBergen) shipped more than 2 billion opioid pills into Washington state between 2006 and 2014, filling more prescriptions in 2008 than there were people in Spokane County; and

WHEREAS, that same year, 89 Spokane County residents died due to opioid overdoses - the highest number of opioid-related deaths ever recorded in Spokane County; and

WHEREAS, Attorney General Ferguson brought suit against McKesson, Cardinal Health, and AmerisourceBergen in 2019, arguing that they failed to alert law enforcement to suspicious opioid orders and made billions of dollars shipping large quantities of oxycodone, fentanyl, hydrocodone, and other prescription opioids into the state, and alleging that these shipments helped fuel Washington’s opioid epidemic; and

WHEREAS, Spokane County's per capita rate of opioid prescriptions outpaces the statewide average, and since 2012 has been higher than the rate of such prescriptions in King, Pierce, Snohomish, Clark, and Thurston Counties, according to Prescription Monitoring Program data from the Washington State Department of Health; and

WHEREAS, two Washingtonians on average die from opioid related overdose every day; and

WHEREAS, the Spokane County Medical Examiner reports that opioids killed over 250 Spokane County residents between 2012 and 2017; and

WHEREAS, from 2012 to 2016, heroin overdose deaths in Spokane County increased by 430%, from 1 per 100,000 residents to 5.3 per 100,000; and

WHEREAS, a Spokane Regional Health District study shows that opioid overdose hospitalizations in Spokane County have increased significantly since 2000 and are higher than the state average for such hospitalizations; and

WHEREAS, inpatient non-fatal accidental opioid overdose hospitalizations in Spokane County cost our community \$15.8 million in direct hospitalization charges from 2012-2016; and

WHEREAS, the City of Spokane's 2019 Homeless Point-in-Time Count shows that drug abuse is the third leading primary cause of homelessness in Spokane, of which opioid abuse is a contributor; and

WHEREAS, in response to an observed rise in the number of needles found in City parks, Parks staff have had to install safe needle disposal boxes in restrooms; and

WHEREAS, needles are often flushed down toilets in Spokane Public Libraries, causing an estimated \$800 per week in plumbing costs and causing Library staff to install blue lights in library bathrooms to discourage drug use in bathrooms; and

WHEREAS, the Spokane Police Department has seized heroin in Spokane up to 80% pure which can quickly lead to an overdose; and

WHEREAS, Spokane County Detention Services has seen an increase in the number of incarcerations for individuals arrested for possessing opioids; and

WHEREAS, heroin is the predominant substance that requires EMS response by the Spokane Fire Department during opioid overdoses; and

WHEREAS, over the past decade, Spokane’s taxpayers have spent millions of dollars responding to the public safety, detention services, social services, public health, and homelessness impacts of the opioid epidemic; and

WHEREAS, the counties of Spokane, Walla Walla, Whitman, and Kitsap, and the Cities of Tacoma, Seattle, Kent, and Olympia are all pursuing legal action against opioid manufactures and opioid distributors.

NOW, THEREFORE, BE IT RESOLVED that the Spokane City Council recognizes the opioid epidemic as a clear link between prescription opioid abuse and the proliferation of illicit heroin and fentanyl use, and recognizes the epidemic’s vast and increasing scale and cost in human lives lost, families and careers destroyed, and significant public safety and health system impacts.

BE IT FURTHER RESOLVED, the City Council requests that the City Attorney provide to the City Council an analysis of the feasibility of pursuing legal action against opioid manufacturers for actively misleading Spokane citizens about the addictive nature of their drugs, and for failing to act on federally-required safeguards that allowed thousands of suspicious orders of opioids to be shipped without notification to law enforcement, as well as any other causes of action which may be appropriate or necessary.

BE IT FINALLY RESOLVED, that the City Council requests a recommendation from the City Attorney as to whether to initiate new litigation, or participate in ongoing litigation, to hold these manufacturers accountable for the harms they may have caused in our community.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date