

NEWS RELEASE

Released by: Attorney General John M. Formella

Subject: New Hampshire Sues Pharmacies for Overly Dispensing Opioids

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Concord, NH – Attorney General John M. Formella filed a civil lawsuit today against several retail pharmacy chains following an investigation into the alleged overdistribution and dispensing of prescription opioids across the State of New Hampshire. The following pharmacies and chains are named in the suit: CVS Health Corporation; CVS Indiana L.L.C.; CVS Pharmacy, Inc.; NeighborCare of New Hampshire, LLC; Rite Aid Corporation; Rite Aid Hdqtrs. Corp.; Rite Aid of Maryland, Inc., d/b/a Rite Aid Mid-Atlantic Customer Support Center, Inc.; Maxi Drug North, Inc.; Walgreens Boots Alliance, Inc.; and Walgreen Co.

“When it comes to deadly, addictive drugs such as opioids, people trust their local pharmacies to help and protect them. Sadly, some of these national pharmacy chains failed to provide the people of New Hampshire the type of pharmacy care and protection they had a right to expect. Instead, they helped fuel an opioid epidemic in the Granite State.” said Governor Chris Sununu. “I applaud the efforts of the Attorney General’s Office to hold these companies accountable for their role in New Hampshire’s opioid crisis. These companies have been generating large profits off the people of New Hampshire. They must now help abate the harm they inflicted on our citizens.”

New Hampshire is one of the states hardest hit by the opioid epidemic:

- The State is counted amongst the nation’s top five states with the highest rates of opioid-involved deaths. In 2020 the State experienced an opioid overdose death rate of 26.9 per 100,000 in 2020, which was significantly higher than the national average of 21.4 deaths per 100,000.
- Hundreds more of the State’s residents were rushed to emergency rooms or revived by EMS and other first responders trained to administer naloxone and other overdose antidotes.
- New Hampshire’s most vulnerable residents are not immune from this crisis. The number of infants diagnosed with neonatal abstinence syndrome increased from 52 to 269 in 2015, accounting for 24.4 per 1,000 live hospital births across the State.

“The law requires pharmacies to be diligent in distributing and dispensing controlled drugs, including highly addictive pain medications. These large pharmacy companies failed to report

suspiciously large quantities being shipped into their neighborhood retail pharmacies or suspicious prescriptions to their customers,” said Attorney General John Formella. “For decades now, these companies have watched pain pills that they are distributing and dispensing cause extreme harm and deaths. During the height of the opioid epidemic, these pharmacies allowed millions of dosage units of opioids to flood New Hampshire, devastating thousands of families and communities across the Granite State. As both drug distributors and the operators of chain pharmacy locations, these companies were in a unique position to more closely monitor the flow of these highly addictive drugs from their stores. By bringing this lawsuit, we are attempting to hold them accountable for contributing to a crisis they helped create and that tragically led to the loss of life for thousands of people throughout New Hampshire.”

Pharmaceutical chains often have firsthand knowledge of dispensing red flags, such as distant geographic location of doctors from the pharmacy or customer, seemingly healthy patients seeking pain medications, cash transactions for these prescriptions, and other significant information. Today’s lawsuit alleges the defendant pharmacies helped to create the opioid epidemic by ignoring what should have been obvious red flags. Instead of doing their duty, the State alleges that the defendant pharmacies flooded New Hampshire with more opioids than could be used for legitimate medical purposes. The State alleges that the defendants filled and failed to report orders that they knew or should have known were likely being diverted, and they failed to maintain effective controls against diversion from their pharmacy retail stores, causing the community to suffer foreseeable harms. In doing so, the State alleges the defendants created a public nuisance in New Hampshire.

Today’s complaint follows prior suits filed against opioid distributors Cardinal Health and McKesson, and suits against opioid manufacturers Purdue Pharma and their owners, the Sackler Family, Johnson & Johnson and Mallinckrodt. The State joined a national Attorneys General settlement with McKesson, Cardinal Health and Amerisource Bergen and will receive approximately \$115 million from that settlement over 18 years. The State’s complaint against Johnson & Johnson is scheduled for trial in September.

The State’s latest complaint against the pharmacy chains was filed in Merrimack Superior Court.

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