**NEWS RELEASE**

Released by:                John M. Formella, Attorney General

Subject:                       Attorney General Reaches $33.3 Million Agreement with Teva, Allergan; Opioid Makers Agree to Restrictions on Sales, Marketing

Date:                           December 22, 2022

Contact:                      Michael S. Garrity, Director of Communications

Michael.S.Garrity@doj.nh.gov / (603) 931-9375

James T. Boffetti, Deputy Attorney General

                                    James.T.Boffetti@doj.nh.gov / (603) 271-0302

Concord, NH - Attorney General John M. Formella has joined a national attorneys general settlement with opioid makers Teva Pharmaceuticals and Allergan that would provide $33.3 million to the state of New Hampshire. In total, the settlements would provide up to $6.6 billion nationally and include critical business practice changes and transparency requirements.

“While the devastating effects cannot be undone, the more than $33 million New Hampshire will receive will help us continue to address the opioid crisis head on,” said Governor Chris Sununu. “This settlement helps hold these companies accountable for their role in contributing to the opioid epidemic and will provide Granite Staters struggling with opioid addiction the services they need to recover. I appreciate Attorney General Formella and the team at the New Hampshire Department of Justice for championing efforts to continue addressing the destruction caused by opioids in New Hampshire.”

“I am pleased to announce my support for this meaningful resolution negotiated by a bipartisan group of Attorneys General. These settlements will not only provide $6.6 billion nationally to address the opioid crisis, but they will also require these companies to make changes to reduce the risk of addicting patients,” Attorney General Formella said. “We held Teva and Allergan accountable for deceptively marketing opioids and failing to maintain effective controls to prevent diversion. And we will continue to ensure victims of this epidemic receive the help they need.”

**Teva**

Teva will pay a maximum of $4.25 billion in cash over 13 years. This figure includes amounts Teva has already agreed to pay under settlements with individual states. New Hampshire’s share will be $20.9 million. Under the agreement, Teva must:

* Stop promoting opioids.
* Not fund or provide grants to third parties for promoting opioids.
* Not lobby on activities related to opioids.
* Monitor and report off-label use of transmucosal immediate-release fentanyl products.
* Share clinical data through a third-party archive.
* Not make oxycodone pills over 40 milligrams.
* Pay for an independent monitor for five years to ensure compliance with the agreement.
* Disclose documents through a public repository.

Teva, an Israel-based drug manufacturer, makes Actiq and Fentora, which are branded fentanyl products for cancer pain, and a number of generic opioids including oxycodone. States alleged that Teva:

Promoted potent, rapid-onset fentanyl products for use by non-cancer patients;

Deceptively marketed opioids by downplaying the risk of addiction and overstating their benefits, including encouraging the idea that signs of addiction are actually “pseudoaddiction” treated by prescribing more opioids; and

Failed to comply with suspicious order monitoring requirements along with its distributor, Anda.

**Allergan**

Allergan will pay up to $2.37 billion to participating states and local governments over seven years. This figure includes amounts Allergan has already agreed to pay under settlements with individual states.  New Hampshire’s share will be $12.4 million. Under the agreement, Allergan must:

* Stop selling opioids.
* Not fund or provide grants to third parties for promoting opioids.
* Not lobby on activities related to opioids.
* Share clinical data through a third-party archive.
* Disclose documents through a public repository.

Ireland-based Allergan formerly made Norco- and Kadian-branded and generic opioids. The company sold its generics portfolio, including opioid products, to Teva in 2016. States alleged that Allergan:

* Deceptively marketed opioids by downplaying the risk of addiction, overstating their benefits, and encouraging doctors to treat patients showing signs addiction by prescribing them more opioids; and
* Failed to maintain effective controls to prevent diversion of opioids.

Opioids have caused more than 500,000 overdose deaths in the U.S. over the past two decades and in recent years opioid deaths have soared to record levels, around 80,000 a year nationwide, due to a continuing addiction wave now largely being fueled by fentanyl.

New Hampshire previously filed complaints against opioid manufacturers Purdue Pharma and Mallinckrodt. Both filed for bankruptcy protection. The Mallinckrodt bankruptcy plan, under which New Hampshire will receive payments, has been confirmed by the court. The Purdue bankruptcy plan is awaiting court confirmation. The opioid manufacturer Endo filed for bankruptcy earlier this year. Attorneys general reached a $450 million pre-bankruptcy settlement in that case and the New Hampshire Attorney General's Office is participating in the on-going bankruptcy process. New Hampshire filed complaints against the major national opioid distributors (McKesson Corp, Cardinal Health, and Amerisource Bergen). Those cases were resolved when New Hampshire joined the attorneys' general multistate settlement under which New Hampshire will receive approximately $115 million over 18 years. New Hampshire reached a $40.5 million settlement with opioid manufacture Johnson & Johnson in early September.  On December 14, 2022, the Attorney General announced the State was joining a settlement with Walmart under which the State will receive $15.5 million in the next year.  Two major national settlements with major pharmacy chains CVS and Walgreens have been announced and are under consideration by the Attorney General's office, with decisions expected by the end of the year.

By state law, all monies from opioid settlements are dedicated for opioid abatement projects throughout the state. Information about the Opioid Abatement Trust Fund and Advisory Commission can be found at: [https://www.dhhs.nh.gov/about-dhhs/advisory-organizations/nh-opioid-abatement-trust-fund-advisory-commission](https://us-east-2.protection.sophos.com?d=nh.gov&u=aHR0cHM6Ly93d3cuZGhocy5uaC5nb3YvYWJvdXQtZGhocy9hZHZpc29yeS1vcmdhbml6YXRpb25zL25oLW9waW9pZC1hYmF0ZW1lbnQtdHJ1c3QtZnVuZC1hZHZpc29yeS1jb21taXNzaW9u&i=NWUxYzgwOTZkYTEzZWIwZGFmYTExNmUx&t=YWIvc3lOOFdDOUFwK0thKy8xZmZmYmVWYlo5bVptRTNYbG4vN2taNDhwZz0=&h=714dda94ab33460799c5745902b0a318&s=AVNPUEhUT0NFTkNSWVBUSVZGqZffKlh6BDsQPaXj8j7n9NNXQjOUyJEKHBSZyj3UXA).

###