

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

July 13, 2015

The Honorable John Hickenlooper
Governor, State of Colorado
Chair, National Governors Association
444 North Capitol Street, Suite 267
Washington, D.C. 20001

The Honorable Nancy Wyman
Lieutenant Governor, State of Connecticut
Chair, National Lieutenant Governors Association
71 Cavalier Boulevard, Suite 223
Florence, KY 41042

The Honorable Marty J. Jackley
Attorney General, State of South Dakota
President, National Association of Attorneys General
2030 M Street NW, 8th Floor
Washington, D.C. 20036

Dear Governor Hickenlooper, Lieutenant Governor Wyman, and Attorney General Jackley:

We believe states across the country are being overcharged for a critical drug called naloxone that is used by first responders and emergency medical personnel to reverse the life-threatening effects of heroin and other opioid overdoses. The good news is that several states, including New York and Ohio, have successfully negotiated agreements with Amphastar Pharmaceuticals to reduce the final cost of naloxone, and we encourage all of your members to consider doing the same.

Naloxone has become an essential tool for first responders and other medical personnel who respond to many of these opioid overdoses. However, over the past year, police departments, law enforcement agencies, and public health officials across the country have expressed concern over the rising prices charged by the manufacturers of this life-saving drug.

According to the *New York Times*, “police and public health officials from New York to San Francisco are facing sticker shock” as prices for naloxone have spiked “in some cases by 50 percent or more.” Chuck Wexler, Executive Director of the Police Executive Research Forum, notes that these price spikes have coincided with an increasing number of large city police departments deciding to supply their officers with the drug: “It’s not an incremental increase. ... There’s clearly something going on.”¹

The Honorable John Hickenlooper, Chair, National Governors Association
The Honorable Nancy Wyman, Chair, National Lieutenant Governors Association
The Honorable Marty J. Jackley, President, National Association of Attorneys General
Page 2

In January, after months of negotiations, New York Attorney General Eric Schneiderman announced an agreement with Amphastar to provide rebates of \$6 per dose of naloxone paid for directly, or reimbursed by, public agencies within the state. The agreement also requires Amphastar to increase these rebates to match—dollar-for-dollar—any future price increases for naloxone. In March, Ohio Attorney General Mike DeWine announced a similar agreement with Amphastar. We are enclosing both of these agreements for your review.

As you know, deaths from heroin and other opioid overdoses have been increasing at alarming rates. Between 1999 and 2013, there was a four-fold increase in the number of fatal overdoses of both prescription opioid pain relievers and heroin.² Meanwhile, non-fatal overdoses have also soared, with more than one million drug-related emergency room visits reported each year between 2008 and 2011—and fully 14% of visits for unintentional drug poisoning involved opioid-related drugs.³

The opioid abuse epidemic is a public health emergency that must be addressed, and no company should jeopardize the progress many states have made in tackling this emergency by overcharging for a critically important drug like naloxone. We encourage all of your members to consider negotiating agreements with Amphastar to make naloxone more widely available in every state. Thank you for your attention to this critically important public health issue.

Sincerely,



Representative Elijah E. Cummings
Ranking Member
Committee on Oversight & Government Reform
United States House of Representatives



Senator Bernard Sanders
Ranking Member
Subcommittee on Primary Health and
Retirement Security
Committee on Health, Education, Labor and
Pensions
United States Senate

Enclosures

¹ *Naloxone, a Drug to Stop Heroin Deaths, Is More Costly, the Police Say*, New York Times (Nov. 30, 2014) (online at www.nytimes.com/2014/12/01/nyregion/prices-increase-for-antidote-to-heroin-overdoses-used-by-police.html).

² National Institute on Drug Abuse, *National Overdose Deaths from Select Prescription and Illicit Drugs* (Feb. 2015) (online at www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates).

³ National Center for Health Statistics, *Emergency Department Visits for Drug Poisoning: United States, 2008—2011* (Apr. 2015) (online at www.cdc.gov/nchs/data/databriefs/db196.pdf).