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Florida Attorney General's Office News Release

Billions Secured Through Historic Opioid Litigation Agreements

TALLAHASSEE, Fla.—Attorney General Ashley Moody today announced historic $26 billion nationwide agreements that will help bring desperately needed relief to Americans and Floridians who are struggling with opioid addiction. The agreements follow years of aggressive litigation efforts led by Attorney General Moody and other state attorneys general against AmerisourceBergen, Cardinal Health and McKesson—the nation's three major pharmaceutical distributors—and Johnson & Johnson, who manufactured and marketed opioids.

Attorney General Ashley Moody said, "Since day one, I have fought to hold those accountable who played a part in fueling the opioid epidemic and these settlement agreements are a large step forward in our fight to end this crisis. I recognize that no amount of money will bring back those lost, but Florida and its subdivisions will receive more than a billion and a half dollars under these agreements to pay for prevention, treatment and recovery related services. I will continue litigating with the remaining defendants to hold them accountable."

The agreements resolve investigations and litigation over the companies' roles in creating and fueling the opioid epidemic. The agreements also require significant industry changes that will help prevent this type of crisis from ever happening again. Attorneys general from California, Colorado, Connecticut, Delaware, Georgia, Louisiana, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Tennessee and Texas joined Attorney General Moody in negotiating these settlements.

Following today's agreements, the remaining states and territories have 30 days to sign onto the deal and local governments in the participating states will have up to 150 days to join. Ratification is contingent on a critical mass of states and local governments participating. States and local governments will receive maximum payments if each state and its local governments join together in support of the agreements.

Based on the agreements, the three distributors collectively will pay up to $21 billion over 17 and a half years, with $1.3 billion going to Florida, and Johnson & Johnson will pay up to $5 billion over nine years with Florida receiving another almost $300 million. The total funding distributed will be determined by the overall degree of participation by both litigating and non-litigating state and local governments. The substantial majority of the money will be spent on opioid treatment, prevention and recovery services.

The agreement with distributors will result in court orders requiring AmerisourceBergen, Cardinal and McKesson to:

- Establish a centralized independent clearinghouse to provide all three distributors and state regulators with aggregated data and analytics about where drugs are going and how often, eliminating blind spots in the current systems used by distributors;
- Use data-driven systems to detect suspicious opioid orders from customer pharmacies;
- Terminate customer pharmacies' ability to receive shipments, and report those companies to state regulators, when they show certain signs of diversion;
- Prohibit shipping and report suspicious opioid orders;
- Prohibit sales staff from influencing decisions related to identifying suspicious opioid orders; and
- Require senior corporate officials to engage in regular oversight of anti-diversion efforts.

The agreement with Johnson & Johnson will result in court orders requiring the company to:

- Stop selling opioids for 10 years;
- Not fund or provide grants to third parties for promoting opioids;
- Not lobby on activities related to opioids; and
- Share clinical trial data under the Yale University Open Data Access Project.

These settlements come as a result of investigations by state attorneys general into whether the three distributors fulfilled a legal obligation to refuse the shipment of opioids to pharmacies that submitted suspicious drug orders and whether Johnson & Johnson misled patients and doctors about the addictive nature of opioid drugs.

Tragically, just last year, opioid overdose deaths rose to a record 93,000, a nearly 30% increase over the prior year. In Florida, more than 21 people die of opioid overdose each day. Overdose deaths in Florida increased more than 37%, ranking Florida second in the nation, behind only California. More than 7,500 people died in the state from overdose last year.

Today's announcement comes on the heels of previously announced opioid settlements with Insys Therapeutics, McKinsey Consulting, Mallinckrodt and Purdue Pharma. Combined, these earlier matters should generate more than $300 million for Florida opioid abatement, which in addition to today's agreement, brings the collective opioid efforts for Florida to $1.9 billion.

To visit the Florida Opioid Settlement Portal website, click here.