

Evidence

# The Opioid Saga

Slowly comes the reckoning.  
BY VICKI SANDERS

The ramifications of the opioid crisis are only beginning to be felt in the legal community, but their scope is already considerable. Thousands of federal and state lawsuits are currently making the rounds of courts nationwide. And while what may in the moment be focused predominantly on calling to account Big Pharma for the public harms of their deceptive practices, the trail of pain won't end for years.

The law will also be called upon to deal with lingering effects of the opioid epidemic as substance abuse disorders continue to mount, social services and hospitals strain to contain the damage, drug-related offenses burden the criminal justice system, and legislators and policymakers confront their previous neglect and the need for reforms.

This graphic snapshot offers a glimpse of the epidemic's debris-strewn landscape awaiting cleanup.

As BC Law Professor Dean Hashimoto, co-author of a 2012 study on longer-term use of opioids, says, "It's important to recognize that the problem is still evolving, and it still represents a very large challenge beyond commercial drug manufacturers."

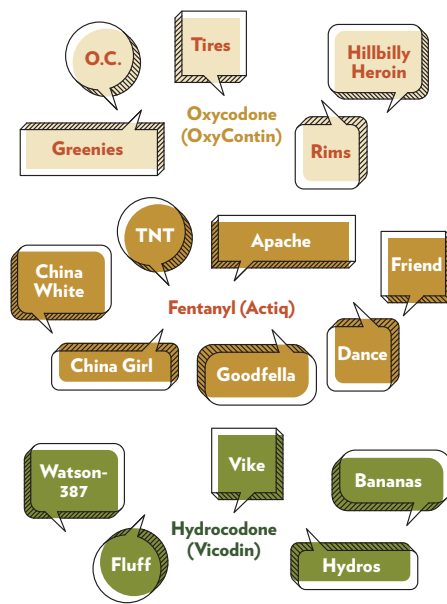
See "A Hard Pill to Swallow" about alum Ellyn Hurd's role in a landmark opioid jury trial.

DEFINITION

**Opioid use disorder, or opioid addiction, is a medical condition that can affect any race, gender, income level, or social class. Some people begin taking prescription opioids to manage pain after a surgery or injury, some to manage chronic pain. No matter what circumstance, prescription opioids are addictive and dangerous.**



WHAT'S IN A NAME?



THE TOLL

Misuse  
**\$78.5 Billion**  
Annual economic burden of prescription opioid misuse

**10.1 Million** / People misused prescription opioids, 2019

**1.6 Million** / People with opioid use disorder, 2019

**8-12%**  
People using for chronic pain who develop use disorder

Opioid-Related Overdoses and Deaths  
**305,000**  
Nonfatal opioid-related drug overdoses, 2017

**247,000**  
Overdose deaths involving prescription opioids, 1999-2019

**136**  
People die every day from opioid overdose

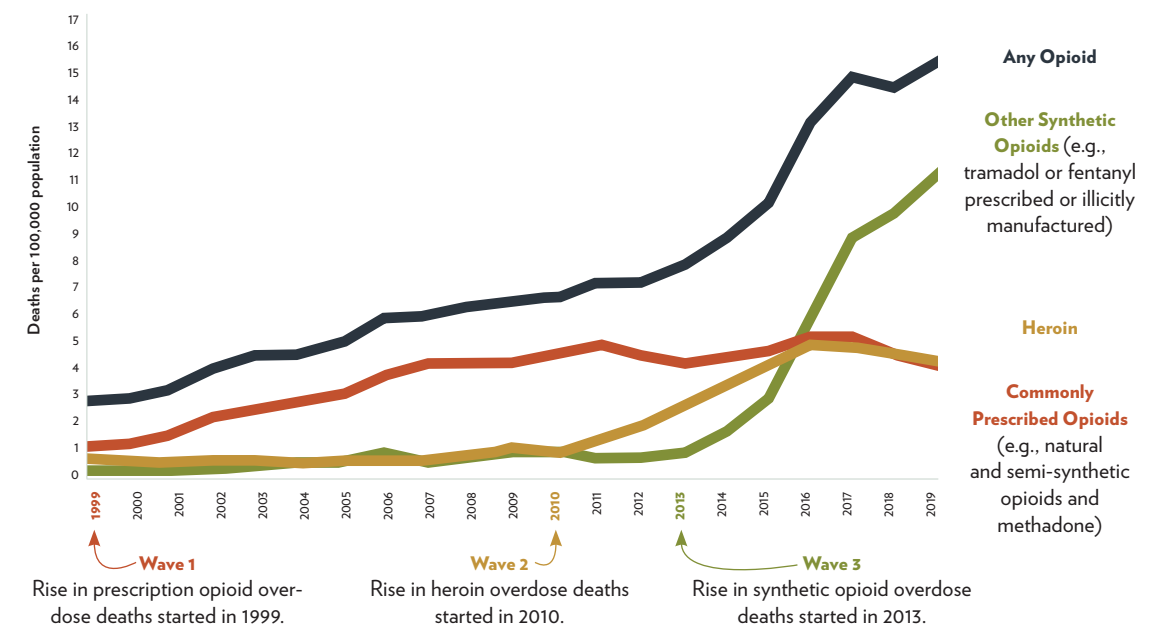
DRUG SUPPLY

Trends

**255 Million**  
Number of prescriptions dispensed at peak of steady increase, 2006-2012

**142 Million**  
Number of prescriptions dispensed at bottom of irregular decline, 2012-2020

Three Waves of the Rise in Opioid Overdose Deaths



LAW AND POLICY

Opioid Lawsuits

**3,000+**  
Number of federal cases nationwide  
**200+**  
State and local government cases

DID YOU KNOW?

- Plant based opioids used for medicinal purposes date back to 3400 BC.
- In recent years, annual drug overdose deaths had already eclipsed the peak yearly deaths from car crashes, gun violence, or the AIDS epidemic.
- The lethal dose of fentanyl is the size of four grains of salt.

Consequences

Settlements to date in a single, multi-defendant case: *The County Of Suffolk v. Teva Pharmaceuticals USA*. Abatement damages have yet to be assessed against Teva and its affiliates, the only defendants remaining when the jury trial ended in December. Ellyn Hurd '01 played a major role for the plaintiffs (see page 24).

**\$27,506,000,000**  
Defendants' settlements to date

**\$26 Million**  
Walgreens Boots Alliance, Inc., CVS Health Corp., Rite Aid Corp., and Walmart, Inc.  
**\$1 Billion + \$26 Billion**  
Cardinal Health, McKesson Corp., and AmerisourceBergen

**\$50 Million**  
Endo Pharmaceuticals, Inc.  
**\$200 Million**  
Allergan  
**\$230 Million**  
Johnson & Johnson

Policy and Legislative Initiatives

In 2016 and 2018, Congress passed the Comprehensive Addiction and Recovery Act and the SUPPORT for Patients and Communities Act, that together address the opioid epidemic with provisions on prevention, treatment, recovery, law enforcement, criminal justice reform, and overdose reversal.

In 2021, the White House Office of National Drug Control Policy:

- Invested nearly \$4 billion through the American Rescue Plan allowing federal agencies to expand access to vital mental health and substance use disorder services.
- Released model law for state legislatures to help ensure opioid litigation settlement funds address addiction and overdose epidemic in impacted communities and with public accountability.
- Convened 300 state, local, and tribal leaders to discuss how their governments can use evidence and data to guide decisions on spending opioid litigation funding to address addiction and the overdose epidemic, while advancing equity.