Will Pharmacies Also Have to Pay Up for Fueling the Opioid Crisis?

A series of lawsuits have charged that chains like CVS, Rite Aid and Walgreens share blame for opioid overprescribing.

March 3, 2020 By Benjamin Ryan

A sprawling series of some 2,000 lawsuits have charged that major U.S. pharmacy chains bear responsibility for fueling the opioid crisis by filling excessive prescriptions for opioids and not taking steps to curb the flooding of opioid pills into certain communities, Healio reports.

The direction one such case in Ohio takes could have outsize importance on the path forward for the other suits, potentially causing a domino effect should governmental prosecutors succeed in pinning blame for the opioid crisis on CVS, Rite Aid, Walgreens and Walmart.

Just as with earlier court actions against opioid manufacturers such as Purdue Pharma and Johnson & Johnson, prosecutors are arguing that pharmacies violated what are known as public nuisance laws. These laws typically apply when the general public rather than an individual suffers an injury or damage.

But while prosecutors may argue that the pharmacy chains should have recognized red flags that a particular community was being inundated with opioid prescriptions, such companies will counter that they are not liable for filling legal prescriptions, thus, passing the buck to the health care providers who wrote those prescriptions.

In addition, the pharmacies are eager to lay blame on the prescription drug distributors and vice versa.

If this case does go to trial—settling out of court is a distinct possibility—and pharmacies are found liable for damages, this could have considerable implications for all kinds of product liability cases. For example, could the government sue restaurant chains for marketing unhealthy foods that cause obesity and diabetes?

Meanwhile, Purdue, which manufactures OxyContin, the drug whose 1995 entry into the market is believed to have kick-started the current opioid crisis, is in the process of negotiating with cities, counties and states on a settlement considered to be around $10 billion. The money will go to resolve claims that the company, which aggressively marketed OxyContin and played down its

addictive qualities, is partially responsible for triggering the opioid crisis.

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