

INTRODUCED: October 8, 2018

A RESOLUTION No. 2018-R094

To establish a policy of the Council that the Council will pursue legal action on behalf of the City against drug manufacturers and distributors.

Patron – All Members of Council

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2018 AT 6 P.M.

WHEREAS, drug manufacturers and distributors, knowing of the serious risks and adverse outcomes related to the highly addictive nature of opioid products, nevertheless set out in the 1990's and 2000's to persuade health care providers, regulators, and patients that opioids were safe and effective in treating chronic non-cancer-related pain; and

WHEREAS, pursuant to the successful persuasive efforts of drug manufacturers and distributors to increase the use of opioid products, the United States and the Commonwealth of Virginia are now experiencing, as stated by the Centers for Disease Control and Prevention, an opioid-induced public health epidemic and an increasing number of opioid overdose deaths; and

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2018 REJECTED: _____ STRICKEN: _____

WHEREAS, in 2015, nearly 12,500,000 Americans used prescription painkillers for non-medical uses, with more than 15,000 deaths attributed to the use of the prescription opioids; and

WHEREAS, opioid pain relievers, including oxycodone, hydrocodone, fentanyl, and hydromorphone, are responsible for three-fourths of all prescription overdose deaths; and

WHEREAS, in 2016, nearly 215,000,000 prescriptions for opioids were filled in the United States, with the prescribing rate for opioids in the Commonwealth of Virginia at 44 prescriptions for every 100 persons in the city of Richmond; and

WHEREAS, in 2016, 1,268 residents of the Commonwealth of Virginia, including 87 residents of the city of Richmond, died from overdosing on prescription opioids including fenanyl and non-prescription opioids including heroin; and

WHEREAS, in 2016, hospital emergency rooms in the city of Richmond reported 10,111 visits for opioid overdose treatments and the Richmond Ambulance Authority reported 4,076 uses of naloxone, an overdose reversal drug; and

WHEREAS, hospital emergency rooms can provide local health departments with data to identify increases in opioid overdoses which local health departments can then use in coordination with hospitals, law enforcement, health and mental health providers, and community-based organizations to develop and implement strategies to combat opioid misuse; and

WHEREAS, to further combat opioid misuse, at least 18 states, many localities, and even individuals, have commenced litigation against manufacturers and distributors of opioids; and

WHEREAS, the City of Richmond has the authority to bring suit under a variety of legal theories; and

WHEREAS, the Council of the City of Richmond believes that it is in the best interests of the citizens of the City of Richmond that the Council now adopt a policy that it shall pursue legal action against drug manufacturers and distributors and commence such action by December 31, 2018.

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That it is the policy of the Council that the Council will pursue legal action against drug manufacturers and distributors of opioids and it intends to commence such action by December 31, 2018.



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff

FROM Joyce L. Davis, Council Policy Analyst
Office of the Council Chief of Staff

COPY Ellen Robertson, 6th District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff
Kiya Stokes, 6th District Council Liaison

DATE September 17, 2018

PAGE/s 1 of 4

TITLE: Resolution to pursue legal action against manufacturers and distributors of opioids

RECEIVED

SEP 19 2018

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Ellen Robertson

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Resolution for Richmond City Council to pursue legal action against drug manufacturers and distributors of opioids on behalf of Richmond city.

BACKGROUND

The patron is requesting a Resolution to pursue legal action against drug manufacturers and distributors of opioids on behalf of Richmond city.

Attached is a sample of language for the Resolution which includes the impact of opioid use in the United States and Virginia and the city of Richmond.

The sample language is as follows:

WHEREAS, the United States and Virginia are experiencing, as stated by the Centers for Disease Control and Prevention, an opioid-induced "public health epidemic" and an increasing number of opioid overdose deaths; and

WHEREAS, nearly 215 million prescriptions for opioids were filled in the United States in 2016¹; and

WHEREAS, during 2016, the prescribing rate of opioids in Richmond, Virginia was at a rate of 44.0 per 100 persons² (as compared to 64.8-Norfolk; 61.0 – Virginia Beach); and

WHEREAS, during 2015, nearly 12.5 million Americans non-medically used prescription painkillers³; and

WHEREAS, every day, over 1,000 people are treated in emergency departments for misusing prescription opioids⁴; and

WHEREAS, 115 Americans die every day from an opioid overdose⁵, with more than 15,000 deaths involving prescription opioids in 2015; and

WHEREAS, opioid pain relievers, including oxycodone, hydrocodone, fentanyl, and hydromorphone, are responsible for three-fourths of all prescription drug overdose deaths; and

WHEREAS, during 2016, more than 1200 Virginians died from opioid overdoses including prescription opioids, heroin, and fentanyl⁶; and

WHEREAS, the Centers for Disease Control estimate that the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion (\$55 billion in health and social costs and \$20 billion in emergency department and inpatient care) a year, including the cost of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

¹ <https://www.cdc.gov/drugoverdose/maps/rxrate-maps.html>

² <https://www.cdc.gov/drugoverdose/maps/rxcounty2016.html>

³ <https://www.samhsa.gov/data/sites/default/files/NSDUH-FFR2-2015-NSDUH-FFR2-2015.htm>, SAMHSA, 2015 National Survey on Drug Use and Health, Prescription Drug Use and Misuse in the United States, Abstract

⁴ Centers for Disease Control, 2017 CDC Addressing the Prescription Opioid Crisis, CDC Rx Awareness Campaign Overview, pg. 5, <https://www.cdc.gov/rxawareness/pdf/Overview-Rx-Awareness-Resources.pdf>

⁵ Centers for Disease Control, Opioids Deaths By Type, <https://www.cdc.gov/drugoverdose/images/data/OpioidDeathsByTypeUS.PNG>

⁶ <http://www.vdh.virginia.gov/data/opioid-overdose>

WHEREAS, during 2016, the cause of death for 1268 Virginia residents and 87 Richmond residents was from opioid overdoses-including prescription opioids, heroin, and fentanyl⁷; and

WHEREAS, during 2016, Richmond, Virginia emergency departments reported 10,111 visits for opioid and heroin overdose treatments and EMS (Richmond Ambulance Authority) workers reported 4,076 uses of naloxone, an overdose reversal drug⁸; and

WHEREAS, drug companies, knowing of the serious risks and adverse outcomes related to the use of their opioids, including the highly addictive nature of their opioid products, nevertheless set out in the 1990s and 2000s to persuade providers, regulators, and patients that opioids are safe and effective in treating chronic non-cancer pain; and

WHEREAS, at least 18 states and many more localities, individuals and families across the United States have commenced litigation against manufacturers and distributors of opioids; and

WHEREAS, Richmond has authority to bring suit on behalf of the public under a variety of legal theories, including but not limited to false advertising, abating a public nuisance, violations of the federal RICO Act, and violations of the Virginia Law (Check Virginia law);

WHEREAS, Emergency Departments can provide naloxone, link patients to treatment and referral services, and provide health departments with critical data on overdoses.

WHEREAS, Emergency Department data provides an early warning system for health departments to identify increases in opioid overdoses more quickly and coordinate response efforts.

WHEREAS, Council encourages and supports coordinated action between Emergency Departments, health departments, mental health and treatment providers, community-based organizations, and law enforcement in the city of Richmond to prevent opioid overdose and death and by identifying strategies for combatting opioid abuse and work towards goals for increased education and rehabilitation services to combat this growing problem.

NOW, THEREFORE, be it resolved by the Richmond City Council that the city of Richmond shall pursue legal action against drug manufacturers and distributors of opioids, and it intends to commence such action by December 31, 2018.

⁷ <http://www.vdh.virginia.gov/data/opioid-overdose>

⁸ <http://www.vdh.virginia.gov/data/opioid-overdose>

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.08/sr