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BIG PHARMA, PRESCRIPTION OPIOIDS, AND THE DEA DRUG DEALING IN PLAIN VIEW

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* Patrick C. McGinley is a member of the West Virginia University College of Law faculty where he serves as the Judge Charles H. Haden II Professor of Law. A major focus of Professor McGinley's teaching and scholarship is access to public information. He has represented newspapers and news organizations in Freedom of Information and Open Records law litigation. In 2016 he and co-counsel intervened on behalf of the Charleston Gazette-Mail in two "pill mill" cases brought by the West Virginia Attorney General against major U.S. drug distributors. In those cases, the State plaintiff had sought damages for the drug companies' alleged complicity in the opioid epidemic ravaging the state. Over the companies' objections, Professor McGinley successfully advocated for public disclosure of DEA prescription opioid distribution information contained in sealed court records. Using this previously secret information, reporter Eric Eyre was awarded the 2017 Pulitzer Prize "for courageous reporting, performed in the face of powerful opposition, to expose the flood of opioids flowing into depressed West Virginia counties with the highest overdose death rates in the country."

Abstract

The U.S. Center for Disease Control reports that from 1999–2016 more than 350,000 people died from overdoses involving prescription and/or illicit opioids. In 2016 alone, deaths from prescription opioids and illegal opioids like heroin and illicitly manufactured fentanyl totaled almost 42,000. The number of overdose deaths involving opioids was 5 times higher in 2016 than in 1999. On average, 115 Americans die every day from an opioid overdose. In this article, Professor McGinley examines the evolution of the nationwide opioid epidemic over the last two decades focusing on the role played by drug manufacturers, drug distributors and the U.S. Drug Enforcement Administration in the flood of literally billions of “legal” prescription opioid pills inundating communities across the nation.