

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2017-85**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas Mayor Javier M. Gonzales
6 Councilor Carmichael A. Dominguez Councilor Renee D. Villarreal
7 Councilor Peter N. Ives Councilor Ronald S. Trujillo
8 Councilor Signe I. Lindell Councilor Christopher M. Rivera

9
10 **A RESOLUTION**

11 **TO ADDRESS THE OPIOID CRISIS BY INVESTIGATING AND PURSUING LEGAL**
12 **CLAIMS AGAINST PHARMACEUTICAL MANUFACTURERS AND DISTRIBUTORS OF**
13 **OPIOIDS THAT HAVE CONTRIBUTED TO THE OPIOID EPIDEMIC IN THE CITY OF**
14 **SANTA FE.**

15
16 **WHEREAS**, the National Academy of Medicine notes an increase in pain prevalence and
17 assumes an increase in chronic pain, due in part to the risks associated with undermanaged acute
18 postsurgical pain that may evolve into chronic pain; and

19 **WHEREAS**, current pharmaceutical-based treatments for pain commonly rely on two classes
20 of drugs: opioids and nonsteroidal anti-inflammatory drugs, both of which have side effects and risk
21 of serious complications; and

22 **WHEREAS**, opioid misuse is a national epidemic in the United States, according to the
23 federal Centers for Disease Control and Prevention; and

24 **WHEREAS**, according to the Journal of Pain & Palliative Care Pharmacotherapy, 95 percent
25 of postsurgical patients receive an opioid; and

1 **WHEREAS**, according to a Substance Abuse and Mental Health Services Administration
2 survey, approximately 70 percent of people who misuse opioids report obtaining them from family,
3 friends, or on the street, stressing the need to address unused opioids; and

4 **WHEREAS**, the rise in opioid misuse coincided with the development of OxyContin by
5 Purdue Pharma, a pain medication whose sole active ingredient is oxycodone, a chemical cousin of
6 heroin that is up to twice as powerful as morphine; and

7 **WHEREAS**, opioids were initially marketed strictly to address acute cancer pain and end-of-
8 life palliative care, primarily because of the long-standing fear of the addictive properties of opioids;
9 and

10 **WHEREAS**, Purdue Pharma waged a full scale campaign on prescribing doctors to mitigate
11 the perceived risks of prescribing opioids, labeling such concerns “overblown” and marketing
12 OxyContin as a drug “to start with and stay with”; and

13 **WHEREAS**, OxyContin did indeed provide relief from excruciating pain, patients found
14 themselves needing it more frequently than the advertised 12-hour dose, and many experienced
15 severe symptoms of withdrawal when their body’s needs for relief were not met; and

16 **WHEREAS**, in 2006 Purdue Pharma settled a lawsuit brought by five thousand patients who
17 had become addicted to OxyContin for \$75 million and shortly afterward pleaded guilty to a case
18 brought by federal prosecutors to charges of misbranding, and acknowledged they had marketed
19 OxyContin with the intent to defraud or mislead, with executives paying out \$35 million in fines and
20 the company itself paying \$600 million; and

21 **WHEREAS**, Purdue Pharma has settled other lawsuits that have kept thousands of
22 documents made available through discovery out of the hands of the public; and

23 **WHEREAS**, on October 26, 2017 President Trump recently declared the opioid crisis a
24 national emergency, freeing up federal funds to combat the addiction epidemic throughout the
25 country; and

1 **WHEREAS**, in 2016 President Obama proclaimed September 18-24, 2016 as Prescription
2 Opioid and Heroin Epidemic Awareness Week in recognition of the opioid addiction epidemic
3 plaguing American; and

4 **WHEREAS**, since 1999, 200,000 Americans have died from overdoses related to
5 prescription opioids; and

6 **WHEREAS**, drug overdose is now the leading cause of death in the United States for people
7 under age 50; and

8 **WHEREAS**, according to the New Mexico Department of Health (NMDOH), between 2012
9 and 2015 there were 1,968 drug overdose deaths in New Mexico; and

10 **WHEREAS**, in 2015 there were nearly twice as many drug overdose related deaths in New
11 Mexico (516) as there were car crash fatalities (268); and

12 **WHEREAS**, many patients who become addicted to opioids find their addiction too difficult
13 or expensive to maintain, so they turn to heroin instead, a supply of which is readily available from
14 drug cartels south of the border; and

15 **WHEREAS**, the NMDOH reported that opioid overdose-related emergency department
16 visits have increased 98.4% in the United States between 2004 and 2009, and in New Mexico they
17 increased by 46.3% between 2010 and 2014; and

18 **WHEREAS**, the NMDOH reported that at the end of the second quarter of 2017, 169,279
19 patients in New Mexico were prescribed opioids, 44,078 were given high dose opioid prescriptions,
20 355,606 opioid prescriptions were filled in New Mexico, and the number of medical providers
21 treating ten or more patients with buprenorphine/naloxone increased to 124; and

22 **WHEREAS**, New Mexico became the first state in the United States to require all local and
23 state law enforcement agencies provide officers with antidote kits in an effort to curb deaths from
24 opioid overdoses; and

25 **WHEREAS**, New Mexico strengthened its prescription monitoring program in 2014 in

1 response to a surge in drug overdoses, a number that ranked it second nationwide only to West
2 Virginia; and

3 **WHEREAS**, law enforcement and first responders, including fire, EMS, and ambulance
4 services have incurred substantial costs related to drug overdoses in the community; and

5 **WHEREAS**, governments have seen healthcare costs surge as a result of increased opioid
6 prescriptions provided to patients for a wide range of ailments; and

7 **WHEREAS**, the increase in prescriptions leads to addiction in some patients, thereby
8 increasing the costs to governments to cover treatment options for these patients; and

9 **WHEREAS**, the New Mexico Attorney General, Mora County and other state and local
10 governments throughout the United States have filed lawsuits against opiate manufacturers and
11 distributors in an effort to hold them accountable for their role in the opioid epidemic and to
12 recuperate the unique damages associated with the epidemic suffered by each state and local
13 government; and

14 **WHEREAS**, Bernalillo County is undertaking an RFP for legal services in order to procure
15 legal representation in a lawsuit against drug manufacturers and distributors of opioids; and

16 **WHEREAS**, Rio Arriba County discussed litigation against opioid manufactures and
17 distributors during a closed session meeting on September 13, 2017 and intends to file suit against
18 drug manufacturers and distributors of opioids; and

19 **WHEREAS**, Santa Fe County voted on November 15, 2017 to issue an RFP for legal
20 services to represent the County in litigation against opiate manufacturers, distributors and other
21 relevant parties contributing to the opioid epidemic in Santa Fe County; and

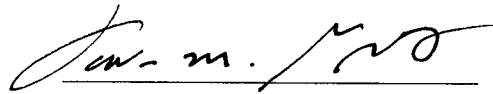
22 **WHEREAS**, the City of Santa Fe has incurred significant costs over the last 25 years by
23 providing services and treatment to patients who became addicted to opioids through ubiquitous
24 prescribing of OxyContin and other prescription opioids; and

25 **WHEREAS**, the Governing Body supports joining in litigation against opioid manufacturers,

1 distributors and other relevant parties.

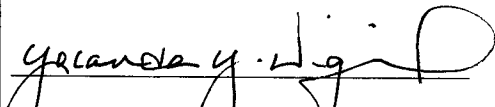
2 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that the City of Santa Fe commits to addressing the opioid crisis by reaching
4 out to the Attorney General to represent the City's interests, and in the alternative by identifying
5 qualified law firms and exploring terms of representation by such firms to represent the City in
6 litigation of all claims the City may have at law and equity against pharmaceutical manufacturers and
7 distributors of opioids that have contributed to the opioid epidemic in the City of Santa Fe.

8 PASSED, APPROVED and ADOPTED this 13th day of December, 2017


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11 JAVIER M. GONZALES, MAYOR

12 ATTEST:

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14 
15 VOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

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19 KELLEY A. BRENNAN, CITY ATTORNEY