Robert Brett Dunham
EXECUTIVE DIRECTOR

1701 K Street, N.W.
Suite 205
Washington, D.C. 20006
(202) 289-2275
dpic@deathpenaltyinfo.org
www.deathpenaltyinfo.org

DEATH PENALTY INFORMATION CENTER

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CONTACT: The Death Penalty Information Center — (202) 289-2275

Involvement of Tainted Pharmacy in Texas Executions
Highlights Risk of Death-Penalty Secrecy Laws

A new investigation by BuzzFeed News reporter Chris McDaniel has revealed that, for the past three-and-a-half-years, Texas has purchased execution drugs from a Houston-based compounding pharmacy that "has been cited for scores of safety violations in recent years" and whose "license has been on probation since November 2016." See Inmates Said The Drug Burned As They Died. This Is How Texas Gets Its Execution Drugs.

BuzzFeed reported that Texas obtained drugs from the Greenpark Compounding Pharmacy—whose identity had been hidden from the public by execution secrecy—even though "regulators have repeatedly cited [the pharmacy] for dangerous practices." According to documents obtained by BuzzFeed, "Greenpark has been cited for 48 violations over the past eight years …. [including] keeping out-of-date drugs in stock, using improper procedures to prepare IV solutions, and inadequate cleaning of hands and gloves." The last words of five of the prisoners executed by Texas in 2018 described being burned by the drug as they died, a sensation consistent with having been injected with improperly compounded or outdated drugs.

This story is bigger than Texas and has nationwide implications. Tainted drugs from tainted drug producers are one of the dangers the Death Penalty Information Center warned about just last week in a major new report "Behind the Curtain: Secrecy and the Death Penalty in the United States." When the identities of secret drug compounders have been revealed in the past, the public learned that Missouri had carried out seventeen executions between 2014 and 2017 using drugs secretly obtained from a suburban St. Louis compounding pharmacy, Foundation Care, that the Food and Drug Administration had classified as "high risk" because of repeated serious health violations, and from a Tulsa compounder, The Apothecary Shoppe, that was not licensed to sell drugs in Missouri and had admitted to nearly 2,000 health and safety violations. States also have secretly exchanged drugs with one another. South Dakota may have obtained pentobarbital from Texas for the execution of Rodney Berget, whose last words, "Is it supposed to feel like this?," suggested he had been executed with drugs that were outdated or impure.

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"These latest revelations underscore what we stressed in our report. States have used secrecy to conceal a broad range of misconduct. Secrecy is a bad practice, bad policy, and bad government. And it continues to erode public confidence in whether states can be trusted to carry out capital punishment," said DPIC Executive Director Robert Dunham.

Behind the Curtain: Secrecy and the Death Penalty in the United States, is available at https://deathpenaltyinfo.org/files/pdf/SecrecyReport.pdf.

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To speak with Mr. Dunham about secrecy and the death penalty, please call (202) 289-2275.