



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

STEVEN L. BESHEAR  
GOVERNOR

August 23, 2010

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*VIA FACSIMILE*  
Juliana Reed, Vice President  
Government Affairs  
Hospira  
275 North Field Drive  
Lake Forest, IL 60045  
(224) 212-2088

RE: Sodium Thiopental (Pentothal)

Dear Ms. Reed:

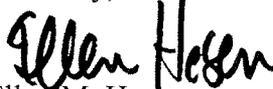
Thank you for responding by telephone to the letter dated August 19, 2010 from the Kentucky Justice and Public Safety Cabinet on behalf of the Department of Corrections regarding the availability of sodium thiopental (Pentothal).

Since the Commonwealth has had outstanding orders for Pentothal since March, 2010, we asked in the August 19<sup>th</sup> letter whether Hospira was continuing to manufacture Pentothal, and if so, when shipment could be expected. Let me confirm that you advised:

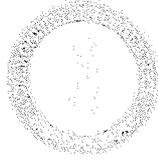
- i. Hospira plans to continue to manufacture the drug but has lost its sole supplier of the drug's active ingredient and is the process of obtaining a new supplier of said active ingredient.
- ii. Because of the change in supplier, the company will also need to obtain an approval from the Food and Drug Administration.
- iii. Hospira does not anticipate being able to have Pentothal available to ship to the Kentucky Department of Corrections until, at the earliest, the first quarter of 2011 (January 1-March 30, 2011).

Please let me know immediately if any of the above is inaccurate as the availability of Pentothal is critical to several pending cases in Kentucky. We will also remain in regular contact with you in the event any of these circumstances change.

Sincerely,

  
Ellen M. Hesem  
General Counsel





JUSTICE AND PUBLIC SAFETY CABINET

Steven L. Beshear  
Governor

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J. Michael Brown  
Secretary

August 19, 2010

Juliana Reed  
Government Relations Director  
Hospira  
275 North Field Drive  
Lake Forest, IL 60045

Dear Ms. Reed:

As is the case with several states, the Commonwealth of Kentucky's protocol for lethal injection includes the administration of sodium thiopental (Pentothal). In the administration of the judicial process, the Commonwealth has pending several actions dependent upon the availability of this drug. The Kentucky Department of Corrections has had the Pentothal on order since March 2010 and has been told by numerous suppliers and multiple times that the drug is not available due to manufacturing delays at Hospira and that Hospira is currently the sole manufacturer of Pentothal. In fact, contact has been made to check on the status of availability of the drug through suppliers over fifty times since February of this year.

As orders for the drug have now gone unfilled for over five months, we are in need of an immediate response from your company as to the availability of the drug and when shipment can be made.

We appreciate your prompt response and look forward to hearing from you.

Sincerely,



J. Michael Brown  
Secretary