

GOP bill would lock in ruling that saved pharmacy chains from \$651M opioid judgement

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COLUMBUS, Ohio – A December [ruling from the Ohio Supreme Court](#) effectively reversed a nearly \$651 million judgement two Ohio counties won from major chain pharmacies for their roles in helping an opioid crisis proliferate.

Two Republican lawmakers in the Ohio House now want to cement the court's reasoning into state law.

The \$650.9 million judgement came after Trumbull and Lake counties [convinced a federal jury that lax dispensing practices from CVS, Walgreens and Walmart pharmacies](#) helped flood the streets with powerfully addictive painkillers that seeded the ongoing opioid epidemic.

This created what's known as a "public nuisance" that Ohio's cities and counties were financially on the hook to mitigate through their police, drug rehabilitation, drug courts, naloxone and other harm reduction strategies.

The chain pharmacies [appealed](#) the judgement, and a federal appeals court asked the Ohio Supreme Court system to interpret whether a 2007 state "tort reform" law stops plaintiffs from claiming commercial products can pose a public nuisance.

Justice Joe Deters, a Republican who wrote the [majority opinion](#) for the court, said despite the "devastation" the opioid epidemic has wrought on Ohio and much of the nation, the remedy belongs to lawmakers and not judges.

Two Republicans – state Reps. Adam Matthews, of Warren County, and Meredith Craig, of Wayne County – responded with a simple piece of legislation.

Their [bill](#), introduced Monday, states that no person shall bring a public nuisance lawsuit claiming that the design, manufacture, supply, marketing, distribution or sale of a product "unreasonably interferes with a right common to the general public." The bill states it's their explicit intent to codify the Ohio Supreme Court's holding into state law.

In other words, Ohioans couldn't sue private companies over their products' role in creating public hazards.

About 87,000 people died from an unintentional drug overdose during the year that ended September 2024 -- down from 114,000 over the prior 12 months, according to the Centers for Disease Control and Prevention. In 2023, 4,452 Ohioans unintentionally died of an overdose, down from 4,915 in 2022, [according to state data](#). Fentanyl and other opioids were present in the overwhelming majority of unintentional overdose deaths in Ohio.

Ohio, according to the CDC, typically falls among the states with the highest fatal overdose rates in the nation.

The [overprescribing](#) from doctors and dispensing from pharmacies occurred across the country, including in the sponsors' own districts.

For instance, Matthews comes from Warren County, where the current population is about 250,000. Between 2006 and 2019, according to a [Washington Post analysis of the usually secretive data released via litigation against the industry](#), one CVS location in Franklin dispensed 5.9 million painkillers. Another CVS in Maineville gave out another 4.7 million.

In an interview, Matthews said he was "happy" with the Supreme Court's decision. The plaintiffs, he said, should have sued the pharmacies under Ohio's medical liability laws that specifically target the prescribing and marketing practices. But instead, they relied on public nuisance and product liability claims, which he said are supposed to go after manufacturers who produce faulty goods.

"But if the item is working as it's supposed to, that shouldn't fall under product liability," he said.

In Wayne County, where Craig lives (population 117,000), a Wooster CVS gave out 4.4 million in that same time frame. A nearby Walmart gave out another 3.8 million. And a CVS in Orville gave out 2.9 million.

Craig declined comment on the bill.

Cleveland.com and The Plain Dealer reached out to several plaintiffs attorneys who worked on the Trumbull and Lake county case for comment.