

**From:** Cate, Matt@CDCR  
**To:** [REDACTED]  
**Subject:** FW: Per Our Conversation  
**Date:** Wednesday, August 04, 2010 12:23:00 PM  
**Attachments:** California\_Drugs August 2010.xls

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**From:** Kernan, Scott@CDCR  
**Sent:** Wednesday, August 04, 2010 12:22:57 PM  
**To:** Cate, Matt@CDCR; Rice, Benjamin@CDCR  
**Subject:** FW: Per Our Conversation  
**Auto forwarded by a Rule**

Talked with [REDACTED] [REDACTED] s still beating bush for sodium Thiopental. [REDACTED] is placing the order for all three drugs, probably even get done today. [REDACTED] update was:

Sodium Thiopental – No national provider and none anticipated in 2010. Found international provider. Looking for way to import and method to validate correct mix. Sounded positive

Pancuronium Bromide – Hospira does provide and expect availability August/September.

Potassium Chloride – Available no problem.

I am sending him shipping information and billing data. We are going to ship directly to SQ pharmacy for our teams pick up and storage consistent with Reg. I could run into problem with Receiver using the Pharmacy, but think I can work through it. Our volunteer doctor is using his DEA number. The bill will come directly to me and I'll discretely handle through our procurement.

We are still pursuing a DEA exemption and trying to find our own importer just so if this avenue does not work out we have somewhere else to go.

We have contacted all states and Feds for drug with no luck. All states are in the same boat. [REDACTED] did say they have a quantity of expired Thiopental but would require FDA waiver of expiration date. They ran into brick wall when they tried this with the FDA.

I will send you behind this email a timeline prepared by staff of all of our efforts. Let me know if you need anything else.

Scott

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**From:** [REDACTED]  
**Sent:** Wednesday, August 04, 2010 11:50 AM  
**To:** Kernan, Scott@CDCR  
**Subject:** Per Our Conversation

Hi Scott:

Once I receive your provider's name, shipping address and DEA Number, I will have our contact [REDACTED] to call (he or she) or whoever you designate to finalize the order.

[REDACTED]

[REDACTED]

p.s. This is my official e-mail address. Inadvertently sent previous e-mail on my person e-mail (sorry)

Product	Status	Cost
a e	a a e a e s	
e a ses	a a e a e e	
e a ses	a a e a e e	
e a ses	a a e a e e	
ass e M	a a a e	
ass e M	a a a e	
ass e M	a a a e	
ass e M	a a a e	
ass e M	a a a e	

sssa e a eae a a as s es

ass e a es a e a a e a...s e

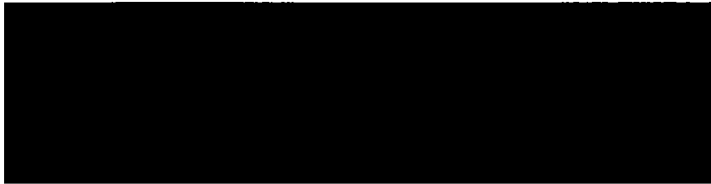
sea e a eas a e a a se a a se e a s

**REASON**

Impurities/Degradation Products: These products are being recalled because they

[http://www.fda.gov/Drugs/DrugSafety/DrugShortages/ucm050\\_92.htm](http://www.fda.gov/Drugs/DrugSafety/DrugShortages/ucm050_92.htm)

Let me know if you need anything else. Thanks



<b>Storage</b>
stable up to 24 months at room temp( 5- 2), recommend refrigerated(3 -4 )
Reconstituted solutions remain stable for 3 days at room temperature, 3 days if refrigerated. Product can be stored at room temperature until mixed.
Pentothal is a controlled substance, Schedule III.
Store at room temp until mixed. Use w/in 24hrs after/if mixed.

list on this website, drugs are listed alphabetically. It looks like the Pavulon shortage is due to TE A withdraw  
sources

y do not meet specification for related substances.





**From:** Cate, Matt@CDCR  
**To:** [REDACTED]  
**Subject:** FW: Purchase Order # [REDACTED]  
**Date:** Wednesday, August 25, 2010 7:17:19 AM

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**From:** Kernan, Scott@CDCR  
**Sent:** Wednesday, August 25, 2010 7:17:17 AM  
**To:** Cate, Matt@CDCR; Rice, Benjamin@CDCR  
**Subject:** Fw: Purchase Order # [REDACTED]  
**Auto forwarded by a Rule**

Fyi  
Scott

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**From:** [REDACTED]  
**To:** McAuliffe, John@CDCR; [REDACTED]  
**Cc:** Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Cullen, Vincent@CDCR; [REDACTED]  
**Sent:** Wed Aug 25 07:13:36 2010  
**Subject:** RE: Purchase Order # [REDACTED]

John,

There are 3 packages arriving today:

Tracking #	Carrier	Comments
[REDACTED] medication(Pancuronium)	UPS	one of the UPS packages contains some refrigerated
[REDACTED] Sodium and Potassium Chloride	UPS	the other UPS package contains some Thiopental
[REDACTED] refrigerated medication(Pancuronium)	FEDEX	this is a large package containing the rest of the

I am expecting the rest of the Potassium Chloride to arrive and ship from here today. I'll keep you informed on the rest of the Thiopental...we're still waiting on the manufacturer.

Thanks,

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**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Tuesday, August 24, 2010 2:45 PM  
**To:** [REDACTED]  
**Cc:** Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Cullen, Vincent@CDCR; [REDACTED]  
**Subject:** RE: Purchase Order # [REDACTED]

[REDACTED]  
Please go ahead and ship the 8 grams of Thiopental.....Thank you...  
John McAuliffe

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**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 12:19 PM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

We have received 8 grams of Thiopental Sodium. It expires Oct 1, 2010.

Is this ok?

[REDACTED]

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**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Tuesday, August 24, 2010 12:09 PM  
**To:** [REDACTED]  
**Subject:** RE: Purchase Order # [REDACTED]

[REDACTED]  
Great news! Hope some of the product is Sodium Thiopental.....Ship to;

[REDACTED]

Thanks  
John McAuliffe

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**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 9:27 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

[REDACTED]


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**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Thursday, August 19, 2010 4:16 PM  
**To:** [REDACTED]  
**Subject:** Purchase Order # [REDACTED]

[REDACTED]  
Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks



in advance.  
John McAuliffe



**From:** Cate, Matt@CDCR  
**To:** Prizmich, Kathy@CDCR; Doetsch, Tara@CDCR; Allen, Elizabeth@CDCR  
**Subject:** FW: Purchase Order # [REDACTED]  
**Date:** Tuesday, August 24, 2010 4:10:48 PM

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**From:** Kernan, Scott@CDCR  
**Sent:** Tuesday, August 24, 2010 4:10:47 PM  
**To:** Cate, Matt@CDCR; Rice, Benjamin@CDCR  
**Subject:** Fw: Purchase Order # [REDACTED]  
**Auto forwarded by a Rule**

Fyi  
Scott

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**From:** McAuliffe, John@CDCR  
**To:** Kernan, Scott@CDCR; Rice, Benjamin@CDCR  
**Cc:** Cullen, Vincent@CDCR; [REDACTED]  
**Sent:** Tue Aug 24 12:23:21 2010  
**Subject:** FW: Purchase Order # [REDACTED]

Scott  
Good news....  
John

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**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 11:52 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

We have received all of the Pancuronium today. This product needs to be kept refrigerated. I will ship this today for delivery tomorrow. I will include plenty of ice packs but it needs to be placed in a refrigerator tomorrow.

We are expecting a small amount of the Thiopental Sodium today also-I will let you know later today when it has been received so you will know how much to expect.

We are expecting all of the Potassium Chloride Wednesday or Thursday this week.

We will still be short, therefore, on the Thiopental Sodium until the shortage is resolved later this year or we find other sources.

[REDACTED]

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**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Tuesday, August 24, 2010 12:09 PM  
**To:** [REDACTED]  
**Subject:** RE: Purchase Order # 2010080503

Great news! Hope some of the product is Sodium Thiopental.....Ship to;

Thanks  
John McAuliffe

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**From:** [REDACTED]  
**Sent:** Tuesday, August 24, 2010 9:27 AM  
**To:** McAuliffe, John@CDCR  
**Subject:** RE: Purchase Order # [REDACTED]

John,

We have received some of the product and can ship today.

Please let me know what shipping address to use. I will also email you what is being shipped today.

Thanks,

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**From:** McAuliffe, John@CDCR [mailto:John.McAuliffe@cdcr.ca.gov]  
**Sent:** Thursday, August 19, 2010 4:16 PM  
**To:** [REDACTED]  
**Subject:** Purchase Order # [REDACTED]

Just would like to follow up on the status of the order. Mainly I would like to know if you have any status as to when or if you have been contacted as to a possible date the order can be filled. Thanks in advance  
John McAuliffe

**From:** Cate, Matt@CDCR  
**To:** [REDACTED]  
**Subject:** FW: sodium thiopental  
**Date:** Wednesday, September 29, 2010 8:10:53 AM

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**From:** Kernan, Scott@CDCR  
**Sent:** Wednesday, September 29, 2010 8:10:49 AM  
**To:** Cate, Matt@CDCR; Rice, Benjamin@CDCR  
**Subject:** FW: sodium thiopental  
**Auto forwarded by a Rule**

Fyi

Scott

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**From:** [REDACTED]  
**Sent:** Wednesday, September 29, 2010 6:05 AM  
**To:** Kernan, Scott@CDCR  
**Cc:** [REDACTED]  
**Subject:** sodium thiopental

**Scott:**

*Today's article in the Texas prison system's back yard. It is unfortunate that Texas would not share some of it's "well stocked" supply to help sister states but down the road they may need help in some other way and this position does not help their image. Nevertheless, in the prison business things are always changing and Texas is no exception. Sorry we were not able to help more.*

*Best regards,*

  
**The Huntsville Item, Huntsville, TX**

*September 29, 2010*

**Texas well stocked with lethal injection drugs**

**From Staff and Wire Reports**

HUNTSVILLE — Despite a nationwide shortage of one of a trio of drugs used in the lethal injection of condemned inmates, Texas is well stocked with the drug, sodium thiopental, according to Texas prison officials in Huntsville.

Some executions in the U.S. have been put on hold because of a shortage of the drug — an anesthetic that in Texas renders the condemned inmate unconscious before other drugs in the lethal cocktail are administered.

“Texas has an ample supply of the drug in reserve so we have not been affected by the nationwide shortage,” said Michelle Lyons, spokeswoman for the Texas Department of Criminal Justice. “Currently, there are three executions scheduled to take place through the end of the year, and we have a supply sufficient to carry out those executions. “

TDCJ has requested an opinion from the Texas Attorney General in an move to prevent disclosure of how much sodium thiopental it has on hand, Lyons said.

Several of the 35 states that rely on lethal injection are either scrambling to find sodium thiopental or considering using another drug. But both routes are strewn with legal or ethical roadblocks.

The shortage delayed an Oklahoma execution last month and led Kentucky’s governor to postpone the signing of death warrants for two inmates. Arizona is trying to get its hands on the drug in time for its next execution, in late October. California said the shortage will force it to stop executions on Friday, three hours after an inmate is scheduled to die, when its stock expires.

The sole U.S. manufacturer, Hospira Inc. of Lake Forest, Ill., has blamed the shortage on unspecified problems with its raw-material suppliers and said new batches of sodium thiopental will not be available until January at the earliest.

Nine states have a total of 17 executions scheduled between now and the end of January, including Missouri, Ohio, Oklahoma, Tennessee and Texas.

“We are working to get it back onto the market for our customers as soon as possible,” Hospira spokesman Dan Rosenberg said.

But at least one death penalty expert was skeptical of Hospira’s explanation, noting that the company has made it clear it objects to using its drugs for executions. Hospira also makes the two other chemicals used in lethal injections.

Sodium thiopental is a barbiturate, used primarily to anesthetize surgical patients and induce medical comas. It is also used to help terminally ill people commit suicide and sometimes to euthanize animals.

Thirty-three of the states that have lethal injection employ the three-drug combination that was created in the 1970s: First, sodium thiopental is given by syringe to put the inmate to sleep. Then two other drugs are administered: pancuronium bromide, which paralyzes muscles, and potassium chloride, which stops the heart.

Ohio and Washington state use just one drug to carry out executions: a single, extra-large dose of sodium thiopental.

Hospira has blamed the shortage on “raw-material supplier issues” since last spring, first promising availability in July, then October, then early 2011. The company has refused to elaborate on the problem. But according to a letter obtained by The Associated Press from the Kentucky governor’s office, Hospira told state officials that it lost its sole supplier of the drug’s active ingredient and was trying to find a new one.

As for the possibility of obtaining the drug elsewhere, the Food and Drug Administration said there are no FDA-approved manufacturers of sodium thiopental overseas.

Switching to another anesthetic would be difficult for some states. Some, like California, Missouri and Kentucky, adopted their execution procedures after lengthy court proceedings, and changing drugs could take time and invite lawsuits.

Obtaining sodium thiopental from hospitals does not appear to be an option, either. Sodium thiopental has been largely supplanted by other anesthetics in the U.S., and hospitals do not stock much of it.

Also, drug purchasing and use rules — and ethical guidelines that bar the medical profession from getting involved in executions — could prevent hospitals from supplying prisons with the drug, according to industry experts.

“Many of these cases, the victims have waited for 20 years, some of them longer than that. If we’re out of that drug, we need to have an alternative,” said Tennessee state Sen. ■ Tracy. Tennessee said it has enough of the drug for a November execution and expects to be able to carry out another in December.

Last spring, Hospira, a publicly traded company, sent a letter to all states outlining its discomfort with the use of its drugs for executions, as it has done periodically.

“Hospira provides these products because they improve or save lives and markets them solely for use as indicated on the product labeling,” Kees Groenhout, clinical research and development vice president, said in a March 31 letter to Ohio, obtained by the AP. “As such, we do not support the use of any of our products in capital punishment procedures.”

Jonathan Groner, an Ohio State University surgeon and death penalty opponent who researches the issue, speculated the real reason for the unavailability of sodium thiopental is that its medical uses “have shrunk to the point that the company doesn’t want to make a drug that has no use but to kill people.”

However, Rosenberg, the company spokesman, said the shortage has nothing to do with that.

Last month, an Oklahoma judge delayed the execution of Jeffrey Matthews when the state tried to switch anesthetics after running out of its regular supply in August. Matthews was convicted of killing his 77-year-old great-uncle during a 1994 robbery. Oklahoma finally found enough sodium thiopental from another state, but the court-ordered delay continues.

A few weeks ago, Kentucky’s governor held off signing death warrants — which set execution dates and allow executions to proceed — for two inmates because the state is almost out of sodium thiopental. The state’s lone dose hits its expiration date Oct. 1.

Kentucky officials said they have contacted other states unsuccessfully in a search for sodium thiopental and have gotten calls from states looking for the drug.

Kent Cattani, Arizona's top death penalty prosecutor, said Wednesday that the state doesn't have the drug and he is not optimistic it can be obtained in time for the Oct. 26 execution of Jeffrey Landrigan, who was sentenced to death for stabbing and strangling a man in 1989. But later, an Arizona Corrections Department spokesman said the agency has placed orders for sodium thiopental and expects to have it by next week.

Georgia pressed ahead with an execution Monday night, putting Brandon Joseph Rhode to death for the 1998 killings of Steven Moss, 37, his 11-year-old son Bryan and 15-year-old daughter Kristin during a burglary. Georgia's Corrections Department said it has an "appropriate supply" of sodium thiopental. The California attorney general's office had said it only has enough of the drug for Thursday's scheduled execution of Albert Brown, who was condemned to die in 1982 for the rape and murder of a 15-year-old girl, though a federal appeals court ordered a trial judge late Monday to reconsider his ruling that paved the way for the execution.

Virginia apparently had enough of the drug Thursday to execute Teresa Lewis, the first woman put to death in the U.S. since 2005. But officials suggested the state could have a problem after that, though Virginia has no executions scheduled.

"We are in the same position as every other state regarding this matter," said Larry Traylor, Virginia prisons spokesman. He would not be more specific.

Missouri has enough for an October execution, but its supply expires in January.

Ohio, which spends about \$350 for the drug for each execution, ran out of the amount state procedures call for just three days before a May 13 execution. The state obtained enough in time but won't say where.

If you could supply me with the following information, I can produce a proforma invoice:

Invoice address

Delivery address, including contact person and contact person phone number

I will dispatch the goods to you by FedEx,

FedEx delivery charges is separate item.

In order to get the product easier through US customs, I think it would be a goods idea for you to write a letter in the department letterhead, attention of US custom and let them know why you need this product. I would include this letter in your shipment.

Please also email or fax me a copy of your DEA license, to include it in your shipment.

Please let me know if you need further information.

Many thanks,

Kind regards

