

Supreme court backs use of drug implicated in 'botched' executions

June 29 2015, by Amy Norton, Healthday Reporter



Midazolam has been used by several states after some drug companies stopped selling chemicals used for capital punishment.

(HealthDay)—In its latest ruling on capital punishment, the U.S. Supreme Court on Monday upheld the use of a controversial drug that had raised concerns that it didn't perform as intended—to put an inmate into a coma-like sleep before execution.

In the case that began on behalf of three death-row inmates in Oklahoma, the justices voted 5-4 that the sedative [midazolam](#) can be used in executions without violating the Eighth Amendment, which prohibits cruel and unusual punishment, the *Associated Press* reported.

The [drug](#) was used in executions in Arizona, Ohio and Oklahoma in 2014 that took longer than usual. Four states have used midazolam in

executions—Arizona, Florida, Ohio and Oklahoma. Also, Alabama, Arkansas, Louisiana and Virginia allow the use of midazolam but have not used it in executions, the *AP* reported.

The use of midazolam for executions began after drugmakers in Europe and the United States refused to sell states the barbiturates traditionally used to leave an inmate unconscious.

The April 2014 execution of Clayton Lockett was the first time Oklahoma had used midazolam. Lockett writhed, moaned and clenched his teeth for several minutes before prison officials tried to halt the process. He died after 43 minutes, the *AP* reported.

Similar situations occurred in Arizona and Ohio when midazolam was used, the news service said.

Despite the recent headline-grabbing legal challenges and reports of "botched" executions, most Americans still support the death penalty, according to a *HealthDay/Harris Poll* released earlier this month.

The online poll, of more than 2,000 adults, found that 61 percent said they believed in the death penalty, while only 17 percent opposed it.

Opinions were more mixed, however, when it came to some [drug companies'](#) refusal to supply the drugs used for lethal injections. This refusal has left several states scrambling for replacement drugs and, reportedly, botching several executions.

Twenty-seven percent of Americans said they supported the drug companies' stance, while 30 percent opposed it.

The current drug shortage got its start several years ago. In 2011, the sole manufacturer of the anesthetic sodium thiopental—part of the drug cocktail used in lethal injections—stopped producing the drug. That

decision followed months of pressure from death-penalty opponents.

Soon after, the European Union banned the export of a range of drugs that could be used in executions.

In the years since, some drug-makers elsewhere in the world have followed suit, and U.S. [states](#) that allow lethal injections have been on the hunt for alternative drugs, such as midazolam.

While U.S. public opinion may be holding firm on the [death penalty](#), change is happening elsewhere.

In March, the American Pharmacists Association issued a policy discouraging pharmacists from providing drugs for lethal injections. In doing so, the group joined other medical organizations, including the American Medical Association and American Board of Anesthesiology, that already discourage their members from participating in executions.

More information: The [U.S. Bureau of Justice Statistics](#) has information and publications about capital punishment in the United States.

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