



Washington State (/)
Office of the Attorney General
Attorney General Bob Ferguson

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(<https://www.atg.wa.gov>)

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Ferguson and bipartisan group of attorneys general took Indivior to court for illegally manipulating the drug approval process to keep its monopoly on Suboxone

OLYMPIA — Attorney General Bob Ferguson announced today that a national drug manufacturer will pay approximately \$2.1 million to Washington state for conspiring to block generic drug competition for Suboxone. The drug maker's conduct artificially inflated prices for Suboxone across the country.

Suboxone is an opioid prescription drug used to treat opioid dependence. It can be used as an induction agent to stabilize someone in withdrawal during the medical detoxification process as well as for maintenance treatment to promote recovery from opioid use disorder. Indivior manufactures Suboxone.

In September 2016, Washington and a bipartisan group of 41 other states filed a lawsuit against Indivior. The states asserted that Indivior engaged in a scheme — called “product hopping” — to thwart generic competition. Indivior switched Suboxone from tablet form to a dissolving film in order to preserve Indivior's monopoly over the drug for additional years. This prevented other companies from marketing generic versions as competition. Ultimately, Indivior's delays of generic competition resulted in artificially inflated prices for Suboxone.

The court order requires Indivior (<https://agportal-s3bucket.s3.amazonaws.com/6.2.23%20Suboxone%20Stipulated%20Final%20Judgment%20as%20Filed.pdf>) to pay a total of \$102 million to the 42 states.

“Amid an opioid epidemic ravaging Washington state, Indivior cheated the system and held onto its monopoly of a powerful drug that treats addiction,” Ferguson said. “This company put its profits over the need to ensure all Washingtonians could afford a recovery from addiction. Today, we held Indivior accountable.”

The Attorney General's Office will use Indivior's payment to fund future enforcement actions. The office's Antitrust Division receives no general fund support and funds itself through recoveries in cases like this.

The court order requires Indivior to provide the states with compliance reports and information about how it plans to manufacture any new drugs.

The multistate lawsuit

In addition to Washington, the following states brought the antitrust lawsuit against Indivior: Alabama, Alaska, Arkansas, California, Colorado, District of Columbia, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin.

The states filed the case in U.S. District Court for the Eastern District of Pennsylvania and the resolution avoids a September 2023 trial.

Assistant Attorney General Lumi Nodit handled the case for Washington.

Previous payments from Suboxone drug makers

In October 2019, Indivior's parent company, Reckitt Benckiser Group, paid approximately \$2.2 million to Washington state (<https://www.atg.wa.gov/news/news-releases/ag-ferguson-drug-maker-pays-millions-over-allegations-it-propped-price-opioid>) after a Medicaid fraud investigation.

Similar to the antitrust lawsuit, six whistleblower lawsuits asserted the company improperly delayed Food and Drug Administration approval of generic versions of Suboxone so it could remain in control of the drug's pricing. This resulted in false or fraudulent claims to the state's Medicaid program. The recovery went to the Medicaid fraud penalty account.

The company made a total of \$700 million in payouts to the federal government and state Medicaid programs.

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Washington's Attorney General serves the people and the state of Washington. As the state's largest law firm, the Attorney General's Office provides legal representation to every state agency, board, and commission in Washington. Additionally, the Office serves the people directly by enforcing consumer protection, civil rights, and environmental protection laws. The Office also prosecutes elder abuse, Medicaid fraud, and handles sexually violent predator cases in 38 of Washington's 39 counties. Visit www.atg.wa.gov (<https://gcc02.safelinks.protection.outlook.com?url=https%3A%2F%2Fwww.atg.wa.gov%2F&data=04%7C01%7Cbrionna.aho%40atg.wa.gov%7Cca1de901495e4d4be44e808d938325a7e%7C2cc5baaf3b9742c9bcb8392cad>) to learn more.

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