

Attorney General Ellison reaches \$102.5M national settlement with Suboxone maker for alleged illegal monopoly tactics

Alleges company illegally delayed generic version of drug that treats opioid addiction, tried to convince patients their more expensive version of the drug was safer in order to keep prices high and preserve monopoly

Minnesota to receive \$1.7M from settlement

June 1, 2023 (SAINT PAUL) — Minnesota Attorney General Keith Ellison announced today that he has joined a bipartisan coalition of 42 attorneys general in reaching a [nationwide \\$102.5 million settlement](#) with Indivior Inc., the maker of Suboxone. Minnesota will receive nearly \$1.7 million from the settlement.

Suboxone is a medication that helps treat opioid addiction and dependence. When Indivior brought it to market in tablet form in 2002, they had the exclusive right to sell it and made tremendous profits. As their period of exclusivity wound down, Attorney General Ellison and the coalition allege that Indivior illegally delayed cheaper, generic versions of Suboxone tablets from being sold. Alongside the generic delay, they created a dissolving-film version of Suboxone, to create a new period of exclusivity in which they were the only ones who could sell the dissolving-film strips. While blocking generic tablets, Attorney General Ellison and the coalition allege that Indivior used illegal tactics to shift demand from tablet Suboxone to dissolving-film Suboxone, thus preserving its drug monopoly and severely limiting the number of patients who received the cheaper, just-as-effective generic tablet form of Suboxone when it finally launched.

Minnesota and the coalition filed a lawsuit against Indivior for this conduct in 2016. After the coalition defeated Indivior's motion for summary judgment, trial had been set for September 2023.

The agreement, which will be submitted to the court in the Eastern District of Pennsylvania for approval, requires Indivior to pay Minnesota and the litigating states a total \$102.5 million. Indivior is also required to comply with negotiated injunctive terms that include disclosures to Minnesota and all settling states of all citizen petitions to the FDA, introduction of new products, or changes in corporate control, which will help Attorney General Ellison and the coalition ensure that Indivior refrains from engaging in the same kind of conduct they alleged in the complaint.

“In the midst of the opioid crisis that has ravaged every corner of Minnesota, Indivior used illegal tactics to maintain the monopoly on the drug they invented to fight opioid addiction and make sure the price stayed high. Put another way, they put their own profits over Minnesotans' lives,” Attorney General Ellison said. “I'm proud to join attorneys general of both parties from around the country in holding this company accountable and creating protections that will prevent them from doing this again. We've known for a long time that deliberate anticompetitive behavior is a major driver of high drug prices, including on drugs people rely on to stay alive. We sued Indivior many years ago to

hold them accountable for their illegal behavior and were ready to take them to trial. Our lawsuit and settlement should be a warning to every drug company even thinking about engaging in illegal anticompetitive conduct that we will not sit by and let you get away with it.”

The final report of Attorney General Ellison’s Advisory Task Force on Lowering Pharmaceutical Drug Prices, which was released in February 2020, identified anticompetitive conduct and misuse and abuse of federal patent and drug exclusivity laws as major drivers of high drug prices.

Joining Attorney General Ellison in the settlement are Wisconsin Attorney General Josh Kaul, who led the settlement negotiations, and the attorneys general of Alabama, Alaska, Arkansas, California, Colorado, District of Columbia, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia.