

If Heroin is Illegal, Why Is OxyContin Legal?

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On May 5, 2009, the FDA invited me to provide testimony for a second time before a special FDA committee that was investigating what Risk Evaluation Mitigation Strategies (“REMS”) to impose on dangerous prescription narcotics like OxyContin. (See [February 16, 2009 Novus newsletter about the REMS process.](#))

During my testimony, I stated that this is known about heroin and OxyContin:

- Heroin was initially advertised as being less addictive than morphine and widely promoted in the United States for the treatment of pain and respiratory problems;
- Because of its addictive qualities, heroin was made illegal in 1914;
- OxyContin was released to the public in 1995;
- Purdue Pharma, maker of Oxycontin, pled guilty to lying to the FDA, doctors and the public in 2007;
- Purdue Pharma's influential friends saw to it that OxyContin stayed on the market even though equal application of the law required that Purdue Pharma not be allowed to do business with the government (see [Novus newsletter, *Different Justice For A Drug Dealer*](#));
- Heroin and OxyContin are molecularly almost identical;
- Heroin and OxyContin operate in the same manner in the body;
- Heroin and OxyContin are interchangeable and addicts regularly use the one that is available;
- OxyContin is easily obtained from a number of doctors who prescribe it for any excuse as long as the patient can pay for the office visit;
- According to the studies cited in the March 2008 issue of *Pain Physician*, use of narcotics like OxyContin in the treatment of non-cancer pain patients has little benefit and many side effects.

My question was, “One of our patients, a former heroin addict who used OxyContin when he couldn't get heroin and heroin when he couldn't get OxyContin, but preferred OxyContin even though it was more expensive because it was safer, asked, 'Why is heroin illegal and OxyContin legal?’” There was silence from the panel and, unfortunately, there was no way that they could be compelled to answer.

The reaction was much different when I was asked to testify before Massachusetts State Senator Steven Tolman's panel on OxyContin and heroin abuse on May 15, 2009. Senator Tolman is not your typical politician. He is a tall, straight talking man who lists his home phone number on his business card. Senator Tolman doesn't sit in a plush office and read about the “statistics” of death caused by heroin and OxyContin—legal heroin.

His OxyContin and Heroin Commission is appropriately named. The Senator understands that it is just “drug company speak” to imply that OxyContin is not interchangeable with heroin.

When he spoke to me after I testified, he was proudest of his ability to help some kids get off OxyContin and heroin, not by getting on methadone, but by getting treatment and being off all drugs.

Senator Tolman feels so strongly about how these drugs are destroying the lives of so many of the young people in Massachusetts that he is on a mission to make sure that the state of Massachusetts actually provides real help—not just words. He tells people that it is not just something nice to do but, in addition to saving lives, really having a solution to these drug problems will save the taxpayers of Massachusetts hundreds of millions of dollars a year.

Senator Tolman wrote the following article that appeared in the *Boston Globe* May 11, 2009. We want to share this eloquent and forceful article with you. See “The Deadly Epidemic No One’s Addressing.”