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**Texas Execution Drug Supplier Was Cited for Multiple Violations by DEA**

A [National Public Radio \(NPR\) investigation by Chiara Eisner](#) has uncovered the pharmacy chain, Rite Away, that has compounded execution drugs for Texas since at least 2019. Rite Away has been hit with multiple serious DEA violations suggesting it was selling opioids to drug dealers and users at the same time as it was selling pentobarbital to the Texas Department of Criminal Justice (TDCJ) for use in execution chambers.

Rite Away is a chain of six pharmacies around San Antonio and Austin. In January 2022, the DEA filed a lawsuit (complaint can be accessed here: <https://www.justice.gov/opa/press-release/file/1464286/dl>) against one of the Rite Away branches, alleging that they had dispensed controlled substances - including fentanyl - without valid prescriptions, ignored obvious red flags of diversion and abuse, and failed to keep accurate records.

Key revelations include:

- One woman died of a fentanyl overdose nine days after the pharmacy filled the prescription for that drug.
- The DEA threatened to shut down one branch of Rite Away entirely. Instead, the owners agreed to pay [\\$275,000 in fines](#) and were prohibited from selling schedule two controlled substances (Consent Agreement can be accessed here: <https://www.justice.gov/opa/file/1319071/dl?inline>).
- The agency alleged that the pharmacy had “fueled and profited from the opioid epidemic” and was implicated in the death of a patient.
- A 2018 audit revealed that Rite Away’s physical inventory of their stock of controlled substances was 45,000 units short of the records they had filed with the DEA.

The piece also revealed that another branch of the Rite Away pharmacy chain had been providing execution drugs to TDCJ.

When questioned by NPR reporter Chiara Eisner, one of Rite Away’s owners and a pharmacist acknowledged compounding and selling pentobarbital to the TCDJ for use in executions.

The branch of Rite Away that supplied death drugs to TDCJ committed similar violations to those the DEA enumerated in its complaint: including failure to maintain clean and sterile facilities and failure to keep complete and correctly labeled records and drug stock. It has been providing a schedule two controlled substance (pentobarbital) to state officials without a valid prescription, and ignoring red flags of abuse and diversion.

According to the NPR investigation, employees delivered the active ingredient in pentobarbital, for the pharmacy to compound, in unmarked cars, not vehicles marked as property of the TDCJ.

Texas executed more than 20 people during the time the documents show Rite Away worked with the state.

This is the latest troubling episode in the state's long history of employing sweeping secrecy provisions to prevent Texans knowing where and how the corrections department gets its execution drugs. This secrecy has protected disreputable pharmacies that flout [safety protocols](#), extend the [expiration date](#) of drugs and commit other [serious violations](#) of state and federal laws, creating [risks to public health](#).

*"This is yet another example of how the secrecy around Texas's procurement of lethal injection drugs exposes the public to risks," said Estelle Hebron Jones of the Texas Defender Service. "By sheltering pharmacies that violate state and federal law, the state is implicated in dangerous drugs, such as fentanyl, being diverted and misused. When carrying out executions, Texas must be held accountable to the relevant laws, including those governing the drugs that they use to put people to death. This revelation that the corrections department is buying execution drugs from a pharmacy that the DOJ alleges is dealing opioids shows how harmful the State's secrecy law is and why it must be scrapped."*

**Houston physician and public health expert Dr Marc David Robinson commented:** *"As a physician who cares for patients both struggling with opioid use disorder and the legal repercussions of their substance use, it's extremely disappointing and disconcerting that the state of Texas would do business with a company that has contributed to the opioid crisis. For patients with conditions that require controlled substances, we are required to follow a long list of rules and regulations. It seems only fair that the State of Texas should do the same."*

There are currently five prisoners scheduled for execution in Texas, including Ruben Gutierrez, who is scheduled for July 16th.

Available for comment is Texas State Representative Joe Moody (House District 78-El Paso), who authored [House Bill 168](#) in last year's Legislative Session. The bill, motivated by concerns about secrecy, sought to keep Texas from shielding the identity of entities involved in supplying or providing the drugs used in executions.

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