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DISTRICT 1

**Arizona House of Representatives**  
Phoenix, Arizona 85007

**REPRESENTATIVE JUDY M. BURGES**

Legislative District 1  
Arizona House of Representatives  
Arizona State Capitol Complex  
1700 W Washington St  
Phoenix, AZ 85007

**RECEIVED**

DEC 21 2021

**DEPUTY AG**

Attorney General Mark Brnovich  
Arizona Attorney General's Office  
2005 N Central Ave  
Phoenix, AZ 85004-2926

December 16, 2021

Re: Attorney General Legal Opinion on Therapeutics for Prevention and Treatment of COVID

General Brnovich,

For the first time in modern history, it appears that a combination of governmental agencies (primarily Federal), along with various powerful pharmaceutical companies, medical & health organizations, and those individuals and companies supporting them, have suppressed the ability of Arizona licensed doctors, physicians, and other clinical health professionals, to practice medicine and provide both preventative and treatment solutions to their patients, other than the administration of non-traditional, experimental, gene therapy-based mRNA vaccines under FDA "Emergency Use Authorization" (EUA).

That suppression has included the exclusion from recommended agency treatment protocols the use of (1) therapeutics traditionally available for increasing the immunity of individuals to respond to diseases (for example, vitamins and supplements), and (2) repurposed therapeutic drugs already FDA approved (also referred to as "off-label" drugs), especially those with a track record of success, in the treatment of those infected with past SARS or COVID type diseases.

The result of these activities, coordinated to some degree, appears to have enriched and financially benefitted select pharmaceutical companies, and those companies and individuals working with them, or supporting those activities...

...all to the detriment of Arizona consumers seeking full disclosure of available medical options for the prevention and treatment of COVID, other than just the mandated emergency drugs

(EUA vaccines and boosters), and/or hospitalization of the sickest patients and the administration of Remdesivir and ventilation, with limited success rates.

To date, no one has adequately explained why this has happened in Arizona, despite the reported successes of the administration and use of both traditional therapeutics and repurposed therapeutic FDA approved drugs to prevent and treat COVID in other countries, dozens and dozens of peer review studies detailing these successes, and stories from my constituents of successfully being treated with therapeutic drugs only when they were able to locate a doctor willing to prescribe the off-label drug; then when they were able to locate a pharmacy or other source to provide the drug (most located in other countries); and then they were able to afford the high prices being charged for an otherwise inexpensive, unpatented, drug.

My greatest fear is that there are tragic stories of not only my LD1 constituents, but others throughout Arizona, recounting incidences where they or loved ones were unable to obtain therapeutics in time, or never knew of therapeutic options, and suffered the consequences of COVID, or COVID EUA vaccines and boosters.

Given the start of the traditional Flu season, confusion over Flu versus COVID symptoms and different treatment options, and recognition by even the FDA and CDC that the current COVID testing protocols do not accurately measure whether a patient has the Flu or COVID, it is more critical than ever to get not only explanations, but also legal guidance from your office, as the Chief Law Enforcement Officer for the State, of what activities are permissible, those that are not, as well as what activities already engaged in by others might be the basis for the violation of Arizona laws.

Therefore, I am requesting an Attorney General Legal Opinion on the following seven (7) questions, related to the use of therapeutics for the prevention and treatment of COVID:

1. Can the Medical Board of Examiners take disciplinary actions against licensees who prescribe, or refuse to prescribe, with a patient's consent, FDA-approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes (including Ivermectin and Hydroxychloroquine)?
2. Can the Pharmacy Board take disciplinary actions against licensees who fill or process, or refuse to fill or process, lawfully prescribed FDA-approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes?
3. Can Hospitals take retaliatory or disciplinary actions, including loss of privileges against doctors or other staff, who prescribe, administer, or recommend FDA-approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes?
4. Can Licensed Doctors and other licensed medical professionals, refuse to prescribe with the consent of their patients, prescriptions for FDA-approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes?



5. Can Pharmacies or Pharmacists refuse to fill lawfully obtained prescriptions for FDA-approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes?
6. Can coordinated efforts and activities to suppress the ability of consumers to obtain COVID preventative and treatment therapeutics, including false or misleading statements or deceptive narratives, and policies from the FDA, CDC, HHS, BIG PHARMA, BIG MED, Hospitals, Insurance Companies, Medical Board of Examiners, Pharmacy Board, and/or others, (a) resulting in the denial of Arizonans to easily obtain prescriptions for FDA approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes (including Ivermectin and Hydroxychloroquine) in the State of Arizona, (b) resulting in limiting the supply of and/or restricting access to available "off-label" drugs for COVID in Arizona, or (c) resulting in Arizonans having to pay exorbitant, anti-competitive high prices for "off-label" drugs for COVID, VIOLATE the Arizona Antitrust laws or Arizona Consumer Protection laws?
7. Can coordinated efforts and activities to suppress the ability of consumers to obtain COVID preventative and treatment therapeutics, including false or misleading statements or deceptive narratives, and policies from the FDA, CDC, HHS, BIG PHARMA, BIG MED, Hospitals, Insurance Companies, Medical Board of Examiners, Pharmacy Board, and/or others, (a) resulting in the denial of Arizonans to easily obtain prescriptions for FDA approved repurposed therapeutic drugs ("off-label" drugs) for COVID prevention or treatment purposes (including Ivermectin and Hydroxychloroquine) in the State of Arizona, (b) resulting in limiting the supply of and/or restricting access to available "off-label" drugs for COVID in Arizona, or (c) resulting in Arizonans having to pay exorbitant, anti-competitive high prices for "off-label" drugs for COVID, VIOLATE the Arizona Racketeering (RICO) laws?

Let me mention that I believe you or your staff is aware of the recent, **Nebraska Attorney General issued Legal Opinion on Doctors Prescribing HCQ and Ivermectin on 101421**, that provides very detailed legal and factual analyses, that may assist in this Attorney General Opinion request. I can provide copies of that Opinion and summary materials if you would like them.

In view of the uncertainties, confusion, and fears produced by this ongoing COVID health and medical crisis, kindly get back to me or my staff to further discuss, as well as your timelines for completion.

Respectfully,



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