

POLICY ON DEATH PENALTY DRUGS

Whereas, public controversy and human rights concerns regarding the use of the death penalty have escalated in recent years, in particular after a 2014 execution in Oklahoma received considerable public attention due to its prolonged duration and the convict's apparently unexpected physical reaction after lethal injection drugs were administered;

Akorn has been identified as a distributor of Midazolam, a drug that has been adopted by several states as being a substitute in lethal injections for the nationally scarce pancuronium bromide;

Many of Akorn's peers in the pharmaceutical industry, including Hospira, APP Pharma, and PAR Pharmaceuticals have taken steps to prevent their products from being utilized for lethal injections, but Akorn has not taken similar preventive actions;

International human rights groups have publicly called on Akorn to take steps to prevent rocuronium bromide from being used in executions, and the Company has become a focus of public and media attention as one of the likely sources for legal injection drugs.

Intense public outcry opposing the death penalty led the European Union to enact regulations in 2011 restricting the export of anesthetics used in lethal injection executions. As a result, states have been forced to look to domestic corporations, including Akorn for alternative drugs. As Akorn has become embroiled in the death penalty controversy, it has been exposed to reputational risk, and jeopardizes its role and reputation as a provider of health oriented products. There is also the possibility of increased financial and legal risk to the company resulting from the actual use of its products in executions;

Therefore be it Resolved that: Shareholders request that the Company issue a report at reasonable expense and excluding confidential information, describing the company's policy position regarding whether the company or its subsidiaries will provide products for purposes of aiding executions, and including an analysis of potential reputational risks associated with such policy position.