



# United States v. Safehouse, 985 F.3d 225 (3d Cir. 2021)

Topics Covered: Public Health, Criminal Law

## **Outcome: Unfavorable**

### **Issue**

The issue in this case was whether supervised injection sites for opioid users are unlawful under the federal Controlled Substances Act (CSA).

### **AMA Interest**

The AMA supports the development and implementation of pilot supervised injection facilities that are designed, monitored, and evaluated to generate data to inform policymakers on the feasibility, effectiveness, and legal aspects of supervised injection sites in reducing harms and health care costs related to injection drug use. The AMA supports syringe and needle exchange programs in order to address health issues related to opioid use disorder.

### **Case Summary**

Supervised injection sites are facilities that provide a hygienic space for people to consume their pre-obtained drugs under the supervision of trained staff. They are designed to help reduce public health issues that arise from unsupervised drug use.

Safehouse is a privately funded, Pennsylvania nonprofit corporation, whose mission is to provide overdose prevention services. After Safehouse announced its plans to open a supervised injection site in Philadelphia, the Department of Justice sought a declaratory judgment and injunction against Safehouse and its President and Treasurer, contending that the medically supervised consumption rooms would violate the CSA. The district court ruled for the defendants, and the government appealed that decision to the Third Circuit Court of Appeals. The Third Circuit, in a 2-1 decision, ruled for the government and held that the proposed site was barred by the CSA.

### **Litigation Center Involvement**

The Litigation Center, along with the Pennsylvania Medical Society, the Philadelphia County Medical Society, and other public health organizations and addiction medicine specialists, filed an *amicus* brief in support of Safehouse.

Third Circuit Court of Appeals Brief