Ruling Favors Safe Injection Site

December 2, 2019 By Liz Highleyman

A federal judge has struck down the government's latest attempt to block the opening of what could become the first supervised injection site in the United States.

On October 2, U.S. District Judge Gerald McHugh ruled that Philadelphia's proposed Safehouse facility does not violate the so-called crack house provision of the federal Controlled Substances Act, which makes it a crime to operate a site where illegal drugs are produced, distributed or consumed.

"We have maintained that the federal laws couldn't possibly be interpreted to stop people from saving other people's lives," Ronda Goldfein, Safehouse vice president and director of the AIDS Law Project of Pennsylvania, told the Philadelphia Inquirer.

Indeed, Judge McHugh concluded in his ruling that there was no credible argument that Congress was considering safe injection sites when it adopted the crack house rule in 1986, as "their use as a possible harm reduction strategy among opioid users had not yet entered public discourse."

The Department of Justice indicated that it would appeal the decision.

Safe injection facilities—also known as supervised consumption or overdose prevention sites—allow people to bring drugs they obtain elsewhere to use under the watch of trained staff, reducing the risk of overdose death. Staff provide sterile needles, which prevents transmission of HIV and hepatitis B and C.

Indoor sites also reduce street-based drug use and improper syringe disposal. Finally, they offer an entry point for medical care, hep C treatment, addiction treatment and an array of other services for people who use drugs.

There are more than 120 safe injection sites in at least 10 countries, but there are currently no authorized facilities in the United States.

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