

LAW CENTER VICTORY ENSURES AVAILABILITY OF DRUG TREATMENT FOR ADDICTS IN PENNSYLVANIA

A unanimous appellate court today ensured that Pennsylvanians seeking to rid themselves of heroin addiction will have access to methadone treatment which treatment, according to the sources quoted in the court's opinion "has been used for more than 30 years to effectively and safely treat opioid addiction." The court struck down a Pennsylvania law that had effectively banned methadone treatment centers.

Lawyers Barbara E. Ransom and chief-counsel Michael Churchill of the Public Interest Law Center of Philadelphia brought the case on behalf of a methadone treatment provider, New Directions Treatment Services (NDTS) which the court described as "a reputable and longstanding provider of methadone treatment." The Law Center also brought the case on behalf of a class of individuals obtaining or seeking to obtain methadone treatment in and around Reading, Pennsylvania.

NDTS sought to open a new facility on a busy commercial strip in the City of Reading in a building that had previously housed a mental health and drug treatment facility. However, NDTS was faced with the Pennsylvania law which bans a methadone treatment facility within 500 feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse, and other facilities unless the city governing body first votes in favor of the facility.

According to the Court, when NDTS inquired about sites not covered by the statute, "a City zoning official referred them to three sites, including a cemetery and a heavy industrial area" none of which were acceptable to NDTS. When NDTS decided to proceed with its application at the original site, the Reading City Council scheduled three public hearings after which Council unanimously voted against NDTS's application.

NDTS filed suit against the City of Reading and individual city council members, alleging that the Pennsylvania statute violated the federal Americans with Disabilities Act and the Rehabilitation Act. Those statutes prohibit discrimination against persons with disabilities and which define a "disability" as including a person seeking drug treatment and who is not currently using drugs. NDTS also alleged that the defendants violated the federal anti-discrimination laws by the way in which they applied the Pennsylvania law. The lower court had dismissed the case.

In today's ruling the court of appeals reversed the district court and struck down the Pennsylvania statute as discriminatory. According to the court: "[t]his case presents the familiar conflict between the legal principle of non-discrimination and the political principle of not-in-my-backyard." The court also explained that, while the City of Reading claimed that it had been motivated by concerns of jaywalking, loitering, littering and traffic, "we consider it inexplicable that the City failed to offer any evidence to support these concerns." The court also observed that "[t]he records of the three City Council hearings are replete with statements by participants illustrating the atmosphere of prejudice and fear that permeated the proceedings."

In the appeal, the court relied heavily on information provided in an amicus brief filed by the Pennsylvania Community Providers Association, represented by Jon Romberg and Rachel D. Godsil of Seton Hall University School of Law, Center for Social Justice.

[Read the opinion here.](#)

[Read NDTS's appellate brief](#)

[Read NDTS's reply brief](#)

[Read brief for Amicus Pennsylvania Community Providers Association](#)