



Overdose Prevention Centers: An Overview

Kellen Russoniello, JD, MPH

Director of Public Health, Drug Policy Alliance

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**DRUG
POLICY
ALLIANCE.**

Overdose Prevention Centers: State of the Law and Continuing Momentum

September 18, 10:15 AM – 11:30 AM

Overdose Prevention Centers

Overdose Prevention Centers (OPCs):

- Provide trained staff to prevent or reverse overdoses, saving lives
- Help bring drug use off the streets and into settings where care is accessible
- Connect people to health and social services, including treatment
- Provide drug checking and sterile use equipment to reduce risk of overdose and infectious disease
- Provide food, showers, laundry, and other life-sustaining resources



Credit: opcinfo.org

OPC Impacts on Participants



Credit: [PHS](#)

Overdose Prevention Centers:

- Reduce overdose deaths
- Reduce HIV, HCV, and risk behavior
- Reduce frequency of drug use
- Improve access to health and social services
- Increase access to SUD treatment

OPC Impacts on Communities

Overdose Prevention Centers:

- Reduce public drug use and improper disposal of needles/syringes
- Reduce drug-related crime and violence
- Reduce the demand for emergency services
- Save money



Credit: [OnPoint](#)

San Francisco

- In January 2022, San Francisco opened the Tenderloin Linkage Center
- Included an enclosed outdoor OPC
- 333 overdose interventions with no deaths
- Closed in December 2022, less than a year after opening



Credit: [CBS](#)

21 U.S.C. § 856

(a) UNLAWFUL ACTS

Except as authorized by this subchapter, it shall be unlawful to—

- (1) knowingly open, lease, rent, use, or maintain any place, whether permanently or temporarily, **for the purpose** of manufacturing, distributing, or using any controlled substance;
- (2) manage or control any place, whether permanently or temporarily, either as an owner, lessee, agent, employee, occupant, or mortgagee, and knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place **for the purpose** of unlawfully manufacturing, storing, distributing, or using a controlled substance.

United States v. Safehouse

- 2018 – Safehouse announces intention to open an OPC in Philadelphia
- 2019
 - February – U.S. Attorney files civil lawsuit seeking declaratory and injunctive relief (Trump administration)
 - October - District Court rules for Safehouse, finding the purpose was “to reduce drug use, not facilitate it.”
- 2021
 - January - The Third Circuit Court of Appeals reverses, holding that Safehouse would violate 21 U.S.C. § 856
 - October – The Supreme Court declines to review
- 2022
 - Case returns to district court to adjudicate religious freedom claims
 - DOJ asks for extensions to filing (Biden administration)
- 2023
 - January – Parties agree to mediation before a federal magistrate
 - June – Negotiations break down, Safehouse returns to court to litigate religious freedom claims
- 2024 – District court rules for DOJ, dismissing Safehouse’s claims because it doesn’t qualify as a religious entity
- 2025 – Third Circuit reverses and remands; Safehouse can raise religious claims even if not a religious entity

Key Takeaways from *Safehouse*



- The litigation is ongoing
- The Third Circuit's opinions only applies within its jurisdiction (Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands)

Whether OPCs violate 21 U.S.C. § 856 is unsettled outside the Third Circuit

- No enforcement action has been taken in other jurisdictions...yet
- Enforcement is a political decision

Novel Legal Theories

ADA/Rehab Act

- SUD is a recognized disability
- Exception: No protection is currently engaged in illegal drug use
- Exception to the exception: Entities cannot deny health services/services in connection with rehabilitation due to illegal drug use if otherwise entitled to those services

Immunities Clause

- 21 U.S.C. § 885(d)
- “[N]o civil or criminal liability shall be imposed...upon any duly authorized officer of any State...who shall be lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.”

July 24 Executive Order

- Directs HHS to withhold funds from “‘safe consumption’ efforts”
- Directs the Attorney General to investigate and bring civil and criminal actions against federally funded housing providers that
 - Operate or permit supervised consumption sites
 - Distribute drug paraphernalia
 - Permit the use or distribution of drugs on the property they control
- Clear signal that harm reduction is in the administration’s sights
- Part of the administration’s attacks on health and social safety nets and attempts to control state and local decision-making

Pending Legislation

- [House LHHS Appropriations Rider](#)
 - No funds “may be used for the operation of a supervised drug consumption facility that permits the consumption onsite of any substance listed in Schedule I of the...Controlled Substance Act...”
 - Bill has moved out of subcommittee, full Appropriations markup on 9/9
- [H.R. 4878](#) (Rep. Buddy Carter) – Legislative version of the executive order
- [H.R. 172](#) (Rep. Malliotakis) – Prohibits federal funds to any state, local, tribal, or private entity that operates or controls a “injection center”

Recent State Legislation

To authorize OPCs (none enacted)

- Connecticut, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Mexico, New York

To prohibit OPCs

- Arizona (vetoed), Missouri (enacted), Pennsylvania (died), Texas (died), Utah (enacted)

Resources

- DPA - [Facts about Overdose Prevention Centers](#)
- DPA – [OPCs: State of the Law](#)
- Brown University - [Opcinfo.org](#)

Contact

Kellen Russoniello, JD, MPH
Director of Public Health
Drug Policy Alliance
krussoniello@drugpolicy.org

Please take this survey to evaluate conference sessions.



THANK YOU

Overdose Prevention Center in Burlington, VT:

How one small city overcame a national backlash against harm reduction to pass good policy

Mike Selick, MSW

Director of Capacity Building and Community Mobilization

Selick@HarmReduction.org

National Harm Reduction Coalition creates spaces
for **dialogue and action** that help heal the harms caused
by racialized drug policies.



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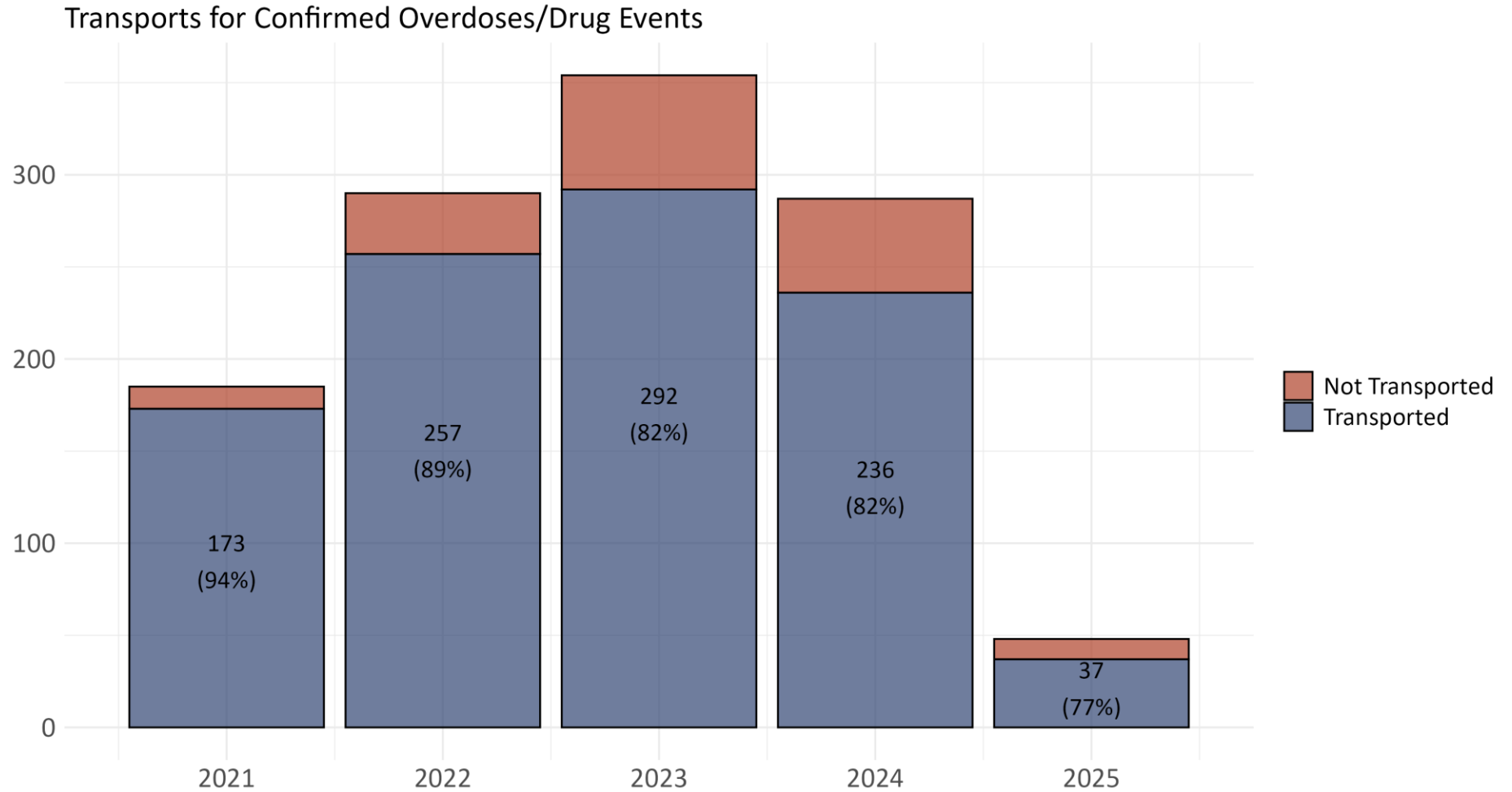
What even is Burlington?











Data through 3/31/2025

Political Climate

- Burlington Defunded the Police! Well, sort of....
- Burlington was the first city in the nation to decriminalize bupe
- Vermont has a Republican Governor
- Vermont has a conservative health department

So how did we do it?!

- Almost a decade of advocacy
- Educating ALL of our legislators
- Many MANY trips to the state capital
- Brought experts like researchers and staff from OnPointNY to educate everyone about how effective OPCs can be
- Support from a lobbying firm hired by Drug Policy Alliance to help push us over the edge

Where are we at today?

- The organization that will run the OPC has been identified!
- The Vermont Department of Health has written guidelines that must be followed
- The Burlington City Council voted to give the \$1 million a year to the program in order to run the OPC!

The City has launched OPC implementation website!

- Approved OPC Compliance Plan
- Approved OPC Project Proposal
- OPC Operating Guidelines
- Planning for Site Selection OPC Flyer

<https://www.burlingtonvt.gov/1077/Overdose-Prevention-Center-Implementation>



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THANK YOU