



September 16, 2025

Advancing Public Health and Harm Reduction Solutions to the Intersecting Crises of Homelessness and Overdose in the Era of Regressive Backlash

2025 Public Health Law Conference

The information in this presentation does not constitute legal advice or legal representation. For legal advice, you should consult with an attorney licensed to practice in your state.

Visit www.vitalstrategies.org/overdose-prevention/

Panel Participants

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Vital Strategies Overdose Prevention Program



Support Harm Reduction campaign

- **Vital Strategies** is a global public health organization that believes every person should be protected by a strong public health system.
- The **Overdose Prevention Program** is the lead implementation partner for state-focused work in the Bloomberg Overdose Prevention Initiative.
- We bring a **comprehensive approach to equitably and sustainably reduce overdose deaths** in seven states where fatalities are among the highest in the country: Kentucky, Michigan, New Jersey, New Mexico, North Carolina, Pennsylvania, and Wisconsin.

Background

- **The number of people experiencing homelessness on a single night in 2024 was the highest ever recorded.¹**
 - 771,480 people (point in time)
 - 18.1% increase between 2023 and 2024, with especially significant increase among people in families (~ 40% increase)
 - Disproportionate impact on BIPOC communities
- **Provisional data show >80,000 overdose deaths in 2024.²**
 - Significant decrease from prior year (26.9%) but still higher than pre-pandemic levels
 - “Opioid crisis” first declared a public health emergency at national level in 2017, most recently renewed in June 2025.³
 - Significant racial disparities have continued and/or intensified in many parts of the country.⁴

Background

- **People experiencing homelessness are at higher risk of overdose.**
 - Fine et al describe that among adults who received care at the Boston Health Care for the Homeless Program between 2003 and 2018, drug overdose accounted for *1 in 4 deaths*.⁵
 - A study comparing opioid-related outcomes between people experiencing homelessness versus housed individuals in low-income communities found disproportionately higher risk of overdose and opioid-related ED visits/hospital admissions for those experiencing homelessness.⁶
- **Higher rates of homelessness are associated with increases in mortality from accidental drug overdose.**⁷
- **State-level racial disproportionality in homelessness significantly associated with racial disparities in overdose mortality.**⁸
- **Relationship is bidirectional (as opposed to common and stigmatizing misconception that the pathway is always drug use → homelessness).**⁹

Background

Longer-term trend toward coercive and/or punitive approaches to drug use and homelessness:

- Over 2010-2022, significant increases in use of civil commitment in about 1/5 of states¹⁰
- Increased drug-induced homicide prosecutions + enactment of such laws, over last decade¹¹
- Harsher penalties for fentanyl-related offense, mandatory minimums, criminalization of emergent substances like xylazine¹²
- Increases in punitive crackdowns / laws on homelessness, exemplified by widescale sweeps and displacement across US cities
 - 2023 publication and promotion of Cicero Institute model bill¹³
- Through our own legislative tracking over the last ~ 7 years, we have seen many such efforts in our initiative's focus jurisdictions (KY, MI, NC, NJ, NM, PA, WI)¹⁴
- The result is that we are poised for the *Grants Pass* result in June 2024

City of Grants Pass v. Johnson

2024 Supreme Court Decision

Background: *Grants Pass v. Johnson*

- **Grants Pass, OR ordinance prohibiting camping on public property.**
 - Escalating penalties: initial fine → order barring from city parks → violation of order = criminal trespass, w/ up to 30 days in jail and \$1,250 fine.
- **Class action on behalf of “involuntarily homeless people” living in Grants Pass arguing that camping ban violated 8th Amendment.**
- **Backdrop of *Martin v. Boise* decision by 9th Circuit in 2019:**
 - 8th Amendment’s prohibition on cruel and unusual punishment barred Boise from enforcing misdemeanor camping ordinance against people experiencing homelessness when there was nowhere else to go.¹⁵
- **District Court found in favor of *Grants Pass* plaintiffs, 9th Circuit affirmed in relevant part, Supreme Court reversed and remanded on June 28, 2024.**

***Grants Pass v. Johnson* Supreme Court Decision¹⁶**

- **SCOTUS Holding: Grants Pass camping ban does not violate the 8th Amendment's prohibition on cruel and unusual punishment**
 - Reasoned that the ordinance is not about the status of being homeless, but rather criminalizes certain acts, i.e., public camping, no matter who is doing it (e.g., could be a “backpacker on vacation” or a “student who abandons his dorm room to camp out in protest on the lawn of a municipal building.”)
 - SCOTUS claimed that it can't “dictate this Nation's homelessness policy,” and that governments need the latitude to decide how to handle homelessness as a “pressing social question.”
- **Reality: majority's decision effectively greenlighted criminalization of a person being homeless even when they have nowhere else to go.**
 - Justice Sotomayor's dissent: “It is possible to acknowledge and balance the issues facing local governments, the humanity and dignity of homeless people, and our constitutional principles. Instead, the majority focuses almost exclusively on the needs of local governments and leaves the most vulnerable in our society with an impossible choice: Either stay awake or be arrested.”
- **What *Grants Pass* did not do:**
 - Decision did not address whether the Grants Pass ordinance violates Due Process, the 8th Amendment's Excessive Fines Clause, or the legality of other common issues (e.g., sweeps and destruction of encampments, which can implicate the 4th Amendment)
 - Decision did not *require* that states or localities adopt these kinds of camping bans---in fact, they can choose to do the opposite and create protections for people experiencing homelessness

Where are we today?

Executive Order on Homelessness, Drug Use, and Civil Commitment (“Ending Crime and Disorder on America’s Streets”)¹⁷

- EO issued July 24, 2025, that frames the administration’s approach to public disorder and “public safety threats”
- Incentivizes states & localities to expand use of civil commitment and institutionalization (Sec. 2)
- Requires various federal agencies to assess whether/how discretionary grant programs can reward jurisdictions that adopt punitive/coercive approaches to drug use and homelessness (Sec. 3)
- Attacks on harm reduction and “safe consumption efforts” vis-à-vis SAMHSA’s *discretionary* grants (Sec. 4)
- Directs HHS and HUD to end support for Housing First policies, HUD to increase treatment participation requirements for recipients of federal housing and homelessness assistance (Sec. 5)
- Targets potential violations of drug-involved premises law (sometimes referred to as the “crack house statute”) among recipients of federal housing and homelessness assistance (i.e., operate overdose prevention centers) + potential drug paraphernalia violations (Sec. 5)

What does the Executive Order *actually* do?

- **Limited direct and immediate impact** of the EO itself:
 - EOs do *not* change the law, they direct executive agency implementation
 - Did not immediately change to grant terms -> additional agency action required & may be subject to legal challenge(s)
 - **Most significant immediate challenge = *pre-compliance & overcompliance***
- Important to **balance communicating the threat(s) posed by the EO** with the **risk of inaccuracy and sensationalism** -> the latter drives pre-compliance & overcompliance
- **States & localities have ultimate authority** over many of the EO's areas of focus -> **EO is designed to encourage jurisdictions to take preemptive action to align**
- **EO reinforces already significant trend towards adoption of coercive approaches to homelessness & drug treatment**
- Illustration: 7/29/25 SAMHSA Dear Colleague letter on harm reduction with **lots of blustery language but** which effectively restates the **same funding restrictions** that have been in place for years¹⁸

State and local responses to the *Grants Pass* decision & EO

- **Unsurprisingly, numerous states & localities have followed in the Grants Pass model of criminalizing homelessness**
 - Housing Not Handcuffs (HNN) has tracked cities' passage of these measures—as of June 23, 2025, included 250+¹⁹
 - A least a dozen states have passed legislation that criminalizes homelessness and/or restricts funding for housing (incl. KY, which will be discussed in more detail later in this session)²⁰
- **Remains to be seen how states + localities will effectuate aims of EO**
- **All part and parcel of broader strategy being advanced by right-aligned groups**
 - Cicero Institute model legislation aggressively promoted in state legislatures, especially in last few years²¹
 - According to HNN, four primary elements in Cicero-supported bills:
 1. Statewide camping ban
 2. Redirection of state and federal funding from Housing First approaches to short-term emergency shelters with punitive requirements
 3. Minimizing due process protections for civil commitment
 4. Creation of “homeless outreach teams” to force unhoused people into homeless services, “drug or mental health courts”

State and local responses to the *Grants Pass* decision

But there are positive examples, too!

- According to HNH, ~10 states have introduced protective legislation that prevents, halts, or reverses criminalization of homelessness²²
 - HR 4182, federal “Housing Not Handcuffs Act of 2025” (introduced 6/26/25)²³
- **Gloria Johnson Act State-Local model law to counteract harms of *Grants Pass* by codifying some protections²⁴**
 - State-level “Right to Rest,” “Homeless Persons Dignity,” and “Bill of Rights for Individuals Experiencing Homelessness” laws
 - See, e.g., from 2025. → CT HB7033, FL S1040, IL H1429, MA H274, MI H4197, NY S4885, RI S797, UT S78
- **There is also recent + ongoing litigation**
 - August 2025 settlement between Disability Rights Oregon and Grants Pass addressing city’s homelessness policies that violated Oregon state laws prohibiting discrimination based on disability²⁵
 - *LaDella Williams, et al. v. City of Albuquerque*—bench trial scheduled for Sept. 28, 2026 (initial complaint asserted numerous claims: Cruel and Unusual Punishment, Excessive Fines, Unlawful Seizure of Property, Procedural and Substantive Due Process, Equal Protection)²⁶

Where do we go from here?

What does it mean for public health?

The research is clear that punitive and/or coercive responses to SUD and homelessness are not effective:

- 2023 research by Barocas et al describing that involuntary displacement of people experiencing homelessness may contribute to substantial increases in drug-related morbidity and mortality + additional all-cause mortality²⁷
- Involuntary treatment associated with greater odds of non-fatal opioid overdose (2024 state of MA analysis)²⁸
- Surveilling, policing, and institutionalizing people experiencing homelessness and/or with SUD diverts resources from known solutions and strategies²⁹
- Fails to address systemic drivers and reinforces inequities

What can we do?

- **Familiarize yourself with the legal framework in your jurisdiction(s) regarding civil commitment/involuntary treatment and the criminalization of homelessness**
 - Guard against emergent efforts to adopt punitive/coercive measures at the state and local levels
- **Support/advance protective state and local legislation**
 - State-level “Right to Rest,” “Homeless Persons Dignity” and “Bill of Rights for Individuals Experiencing Homelessness” laws.
 - See, e.g., from 2025 (CT HB 7033, FL S1040, IL H1429, MA H274, MI H4197, NY S4885, RI S797, UT S78); from 2024 (DE H415, MA H211, NJ S1083, RI S2764)
 - No identified systemic tracking of protective local legislation
- **Guarding against pre/over-compliance in response to the EO**

Potential legal challenges/strategies

- **Consider opportunities for legal challenges and utilize available resources from organizations engaged on these issues**
 - National Homeless Law Center and Housing Not Handcuffs
 - Legal Advocates for Harm Reduction
 - State ACLU affiliates
 - State Protection & Advocacy organizations – key monitoring authorities
 - Entities supporting affirmative government litigation (e.g., Public Rights Project)
- **Need for states + localities to lead opposition & legal challenges to EO** (e.g., challenging imposition of new grant terms)
- **Need for coordination across diverse sectors** (e.g., various legal specialties, social services, immigration)

What can we do?

- But keep in mind that courts and legal strategies not how homelessness or the overdose crisis are “solved.”
- Strategies to effectively address these issues are same today as they were before *Grants Pass* and the recent EO—continue to promote and amplify what we know works
 - Housing First, massive and transformational investment in permanent housing and other supportive services
 - Harm reduction and low-barrier treatment access, *voluntary* services and supports
- Consider how *Grants Pass* and the recent EO can galvanize formation of intersectional coalitions and movement-building

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14. See, e.g., enacted (2023 NC S189, 2023 WI SB101, 2024 KY HB5, 2024 PA HB1661, 2025 NC S429); proposed (2023 MI HB4913, 2024 NJ A1325, 2024 NJ A1526, 2025 NC S724, 2025 NC H437, 2025 NM SB166, 2025 PA SB716, 2025 PA SB780).
15. Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019).
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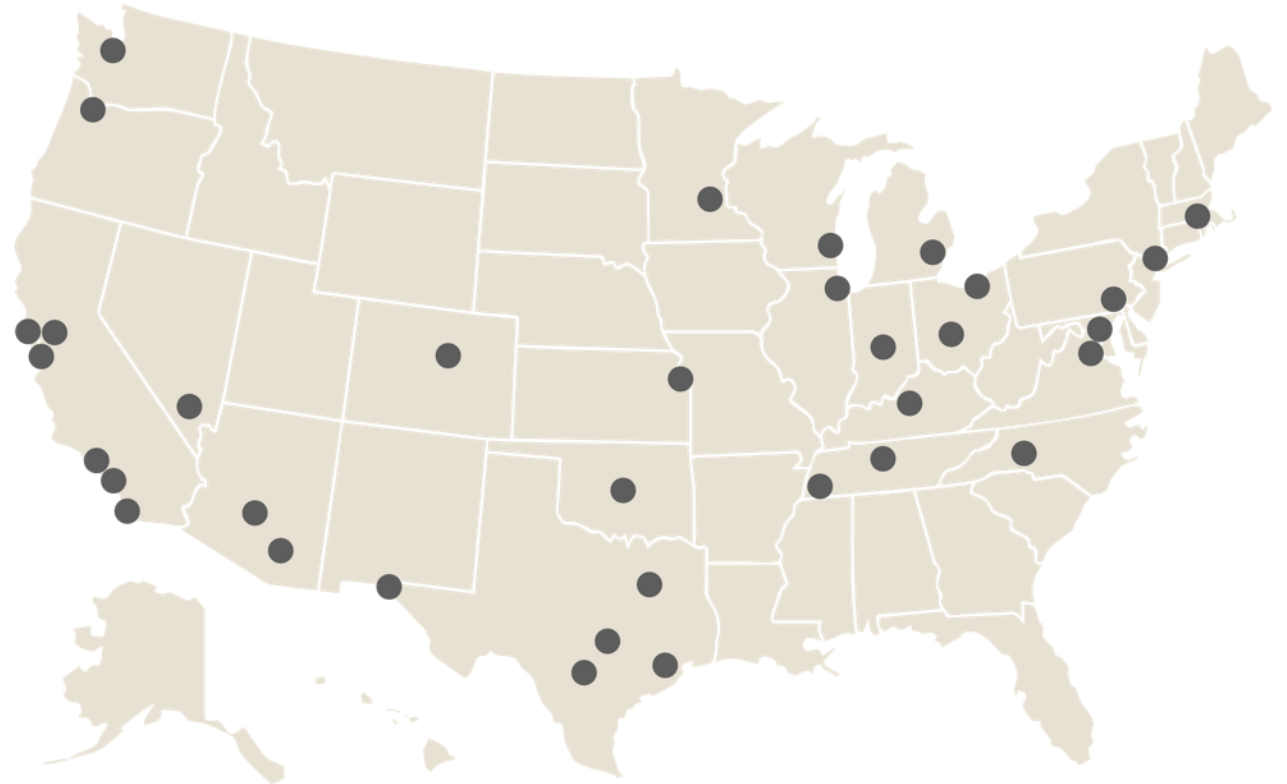
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What city residents really think about overdose prevention – and how to strengthen their support

Elizabeth Green | Big Cities Health Coalition

Austin
Baltimore
Boston
Charlotte (Mecklenburg Co)
Chicago
Cleveland
Columbus
Dallas (Co)
Denver
Detroit
El Paso
Houston
Indianapolis (Marion Co)
Kansas City
Las Vegas (Southern NV
Health Dist)
Long Beach
Los Angeles (Co)

- Louisville
- Memphis (Shelby Co)
- Milwaukee
- Minneapolis
- Nashville
- New York City
- Oakland (Alameda Co)
- Oklahoma City (OKC—Co)
- Philadelphia
- Phoenix (Maricopa Co)
- Portland (Multnomah Co)
- San Antonio
- San Diego (Co)
- San Francisco
- San Jose (Santa Clara Co)
- Seattle (and King Co)
- Tucson (Pima Co)
- Washington, DC



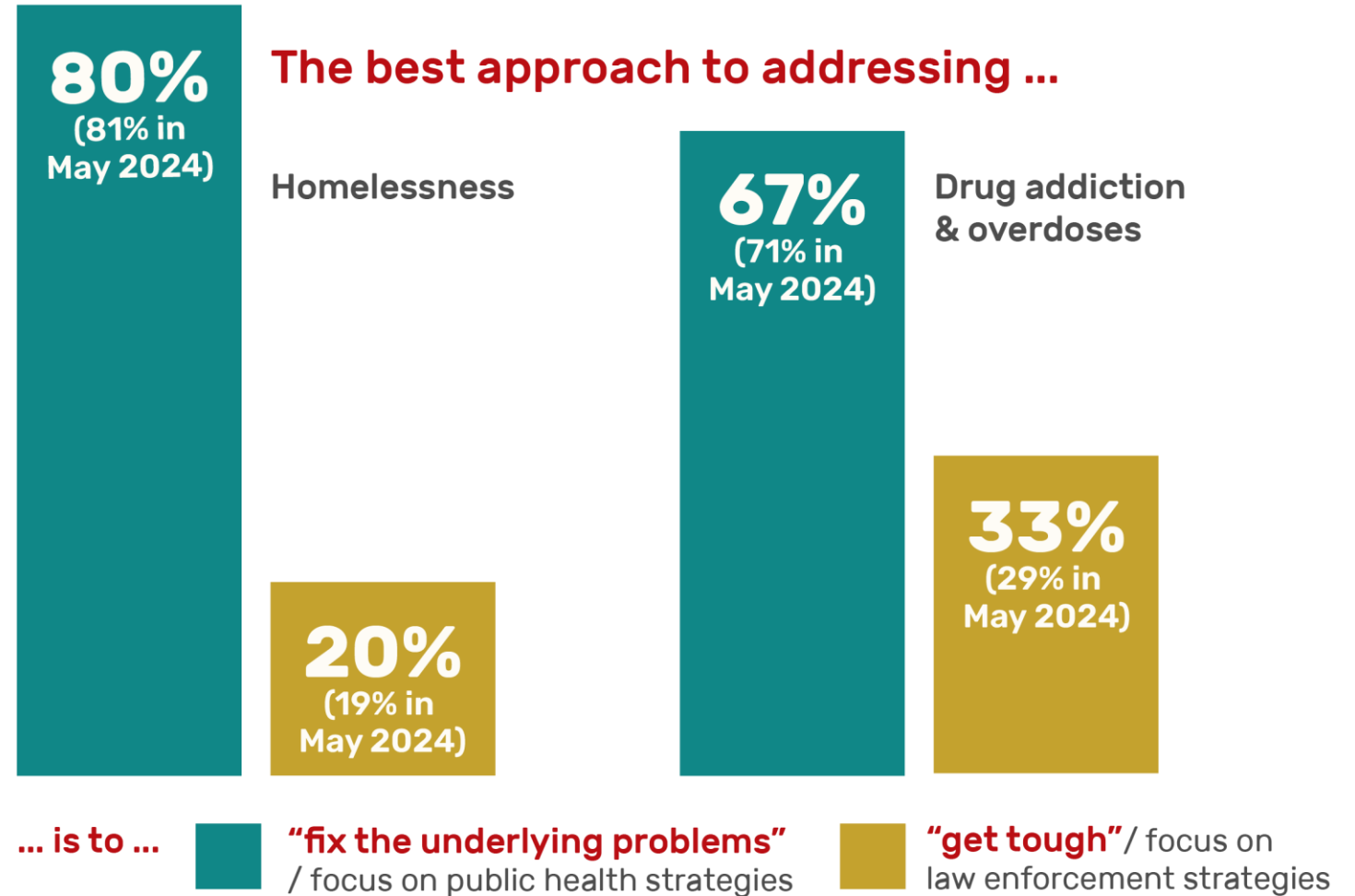
MORE INFO: bigcitieshealth.org/members

1

KEY TAKEAWAYS

Big city residents express continued broad support for a public health approach to overdose prevention in 2025, just as they did in 2024.

By at least a 2-to-1 margin, they favor treating drug addiction, overdose, and related issues as health issues rather than criminal ones.



However, that support is soft. Only about 1/3 say they “definitely” support harm reduction, while another 1/3 say they “probably” do.

Should your city use a public health approach
to prevent drug overdose deaths, diseases, and infections from drug use?



We see the same pattern when we ask about individual OD prevention tools – many say they’re somewhat supportive, but only naloxone has a solid majority expressing strong enthusiasm.

How comfortable are you with these actions to prevent drug overdose deaths, diseases, and infections from drug use?

NALOXONE



FENTANYL TEST STRIPS



MEDICATIONS TO QUIT OPIOIDS



HARM REDUCTION KIOSKS



OVERDOSE PREVENTION CENTERS IN HIGH-OVERDOSE AREAS



SAFER DRUG USE EQUIPMENT



2

KEY TAKEAWAYS

City residents broadly support the use of public health OD prevention tools, especially where they see a clear connection to **saving lives** and providing drug users with a **bridge to recovery**.

WINNING MESSAGES

Complete strategy

There are multiple causes behind the overdose crisis, so we need a **complete strategy** that includes **short-term** and **long-term solutions**. Cities that accept this reality are making real progress by embracing a complete strategy that includes saving lives in the short term with naloxone, fentanyl test strips, and overdose prevention centers, while in the long term, **expanding mental health** and substance use **treatment options**, increasing **affordable housing**, and creating more well-paying **jobs**.

WINNING MESSAGES

Bridge to
recovery

Not everyone will be ready for treatment to help them overcome an addiction. But we all know how much someone's **circumstances can change** in a month or a year, and by then they may be more willing to accept help. These actions give people the chance to get to that next day, next month, or next year so they can get help when they are ready to.

3

KEY TAKEAWAYS

Share the faces and stories of real people who have been helped by overdose prevention work.





Elizabeth Green
egreen@bigcitieshealth.org



bigcitieshealth.org

bigcitieshealth.org/overdose-prevention-messaging-2025



**At Dream.Org, we
believe in closing
prison doors and
opening doors of
opportunity.**



DREAM.ORG




BARBARA KING
CEO AND FOUNDER OF REENTRY REVOLUTION,
VILLAGE SUPPORT ORGANIZATION &
MEMBER OF DREAM.ORG'S FEDERAL
ADVOCACY COUNCIL


RAY MINNICKS
VETERAN, MENTOR, AND
MEMBER OF DREAM.ORG'S
FEDERAL ADVOCACY COUNCIL

PUBLIC HEALTH IS PUBLIC SAFETY

Reentry Revolution: The Overdose Crisis
Behind Bars and Beyond

Virtual Event

 Thursday, December 19
6 – 7pm EST

DREAM.ORG

**Day of Empathy
Tour**

**EMPATHY
ACROSS THE
NATION**

LITTLE ROCK, ARKANSAS	FEB 7	JEFFERSON CITY, MISSOURI	MARCH 8
PHOENIX, ARIZONA	FEB 20	MADISON, WISCONSIN	MARCH 11
FRANKFORT, KENTUCKY	FEB 20	VIRTUAL - CALIFORNIA	MARCH 14
NASHVILLE, TENNESSEE	FEB 27	FORT WORTH, TEXAS	MARCH 14
DETROIT, MICHIGAN	MARCH 1	OLYMPIA, WASHINGTON	MARCH 18
MINNEAPOLIS, MINNESOTA	MARCH 4	HARRISBURG, PENNSYLVANIA	APRIL 8



The 2025 Justice Next Cohort of Sacramento at its graduating ceremony June 8 at Golden 1 Center. Roberta Alvarado, OBSERVER

EDUCATION

Justice Next Cohort Graduates 26 Black And Brown Young Leaders



by ROBERT J. HANSEN

DREAM.ORG

Have you or
someone you know
**been denied
housing** as a result
of a drug sale
conviction?

Let us know!

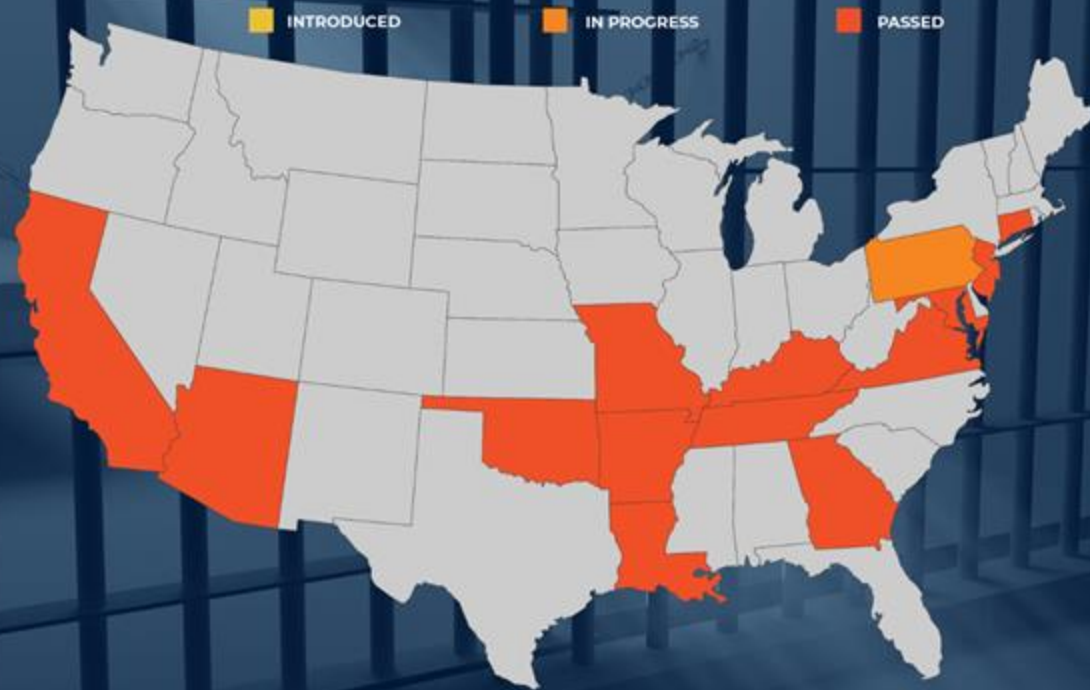


Support the RESTORE Act.

The legislation will restore these individual's ability to access SNAP benefits and even allow them to apply for the program before their release. This would ensure that returning citizens can meet their basic needs while working to rebuild their lives as they deserve.

 DREAM.ORG

Dignity For Incarcerated Women



“I had just learned I was pregnant a few days before I was incarcerated for drug possession. I spent my entire pregnancy in jail and gave birth to my first child there. We had two days together before I was separated from him and sent back to my cell. Leaving my baby was a grief that I never wanted to endure again.”

LAUREN JOHNSON



Pennsylvania
HB900
BILL
PASSED
DIGNITY FOR
INCARCERATED WOMEN



"... My children had to endure the same pain that I did while I was incarcerated."

**Amanda Hall, Dream.Org Senior Director of National Campaigns
in WEKU, NPR for Central and Eastern Kentucky**



A photograph of a woman with dark hair, wearing a dark top, hugging a man in a light-colored shirt. The man is seen from the back, and his face is not visible. The background is slightly blurred, showing what appears to be a window or a doorway.

44,673

people have been released from federal prison as the result of the First Step Act

* Per the Department of Justice annual report on the

First Step Act

2024 ANNUAL REPORT

The State of the Bureau of Prisons

Congressional Testimony by Kandia Milton, Government Affairs Director



My name is Kandia Milton, and serve as
Government Affairs Director

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PUBLIC HEALTH IS PUBLIC SAFETY



Key Objectives:

- The "Public Health is Public Safety" campaign aims to reframe substance use as a public health issue, reducing incarceration and improving health outcomes through care-focused policies.
- The campaign works on state and federal policy with a broad coalition of partners, centering directly impacted individuals and members to reduce overdoses and support healthier communities.

PUBLIC HEALTH ^{is} PUBLIC SAFETY

2025 Virtual Lobby Day Platform



Defend Medicaid: We're standing firm: No cuts to Medicaid. It's more than healthcare—it's a public safety solution. Medicaid funds mental health care, substance use treatment, and crisis response programs that reduce crime, ease the burden on law enforcement, reduce overdose deaths, and save lives.

Clean Slate Act: This bill offers a real solution to break barriers and unlock opportunities. By automatically sealing federal records for nonviolent offenses, dismissals, and acquittals, it ensures that those who have earned a second chance actually get one. It's a common-sense approach to help people rebuild their lives and contribute to their communities.

Fair Future Act: Access to housing is critical for successful reentry and improves public safety. Section 807(b)(4) of the Fair Housing Amendments Act of 1988 allows housing providers to deny Fair Housing Act protections to people with certain drug-related convictions and restricts access to housing as an extension of punishment post incarceration.

Reentry Act: This bipartisan legislation addresses a critical gap in healthcare access for people recently released from incarceration. It would authorize Medicaid coverage for incarcerated individuals during the 30 days prior to release, ensuring access to vital mental health and addiction treatment services when they are most vulnerable. Studies show that people recently released from prison are 10 times more likely to overdose than the general population, with the risk of death being 129 times higher in the first two weeks.

Text **"CARE"** to **974-83** to join the campaign!

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FEDERAL



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60 Years
of Medicaid

How we fought to
defend Medicaid

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Empowered
members to
pressure officials
with **322**
congressional
calls made.



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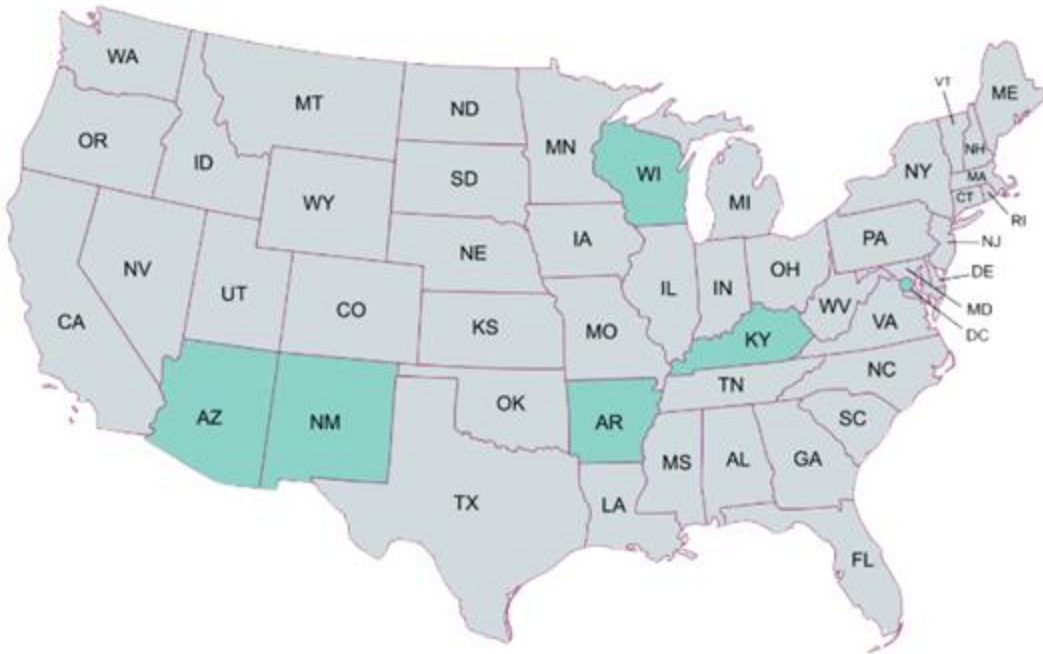
Drove action with
targeting key
decision-makers
garnering **19,226**
petition signatures.



2026

PUBLIC HEALTH IS PUBLIC SAFETY

TARGET STATES



HEALTH & JUSTICE AMBASSADORS



“

What is HB 5?

”

HB 5 Kentucky

Some of the provisions include:

- **Expanding the Violent Offense Statute and enhancing sentencing for individuals convicted of a 3rd Violent Felony**
- **Criminalizing Homelessness (Unlawful Street Camping)**
- **Drug-Related Enhancements (Drug-Induced Homicide)**
- **Bail Regulations (Capping Charitable Bail)**

Nearly 50 Republican co-sponsors of the bill!!!



**COALITION
FOR THE
HOMELESS**



HHCK
**HOMELESS & HOUSING
COALITION OF KENTUCKY**



**Right_{on}
CRIME**
★

**Ky
Policy**
KENTUCKY CENTER FOR
ECONOMIC POLICY

**VOCAL
KENTUCKY**

PAR
People Advocating Recovery

**ACLU
KY**

KYFREE
KENTUCKY FORUM FOR RIGHTS, ECONOMICS AND EDUCATION
IDEAS THAT MOVE KY FORWARD



**Kentucky
Harm Reduction Coalition**
Engage Educate & Empower



**LANE13
CONSULTING**





The Outcome & the Work

- ❖ Making changes to bill to make it less harmful
- ❖ Continued organizing & education
- ❖ Data collection
- ❖ Storytelling
- ❖ Coalition Building
- ❖ Being in Community



'Public Health is Public Safety' forum held in Lexington

Updated: Aug. 21, 2024 at 6:00 PM EDT



This gathering was right on time as the Lexington-Fayette County Health Department just issued an overdose spike alert.

Kentucky's outdated drug policy has deadly consequences for addiction recovery | Opinion

For people struggling with opioid addiction, buprenorphine is a life-saving medication. But Kentucky imposes some of the strictest restrictions in the nation, making access to it difficult.

John Bowman and James Patrick Murphy Opinion Contributors

June 26, 2025, 5:01 a.m. ET

ARIZONA

SB1725

would have changed the law so that anyone with just 9 grams of fentanyl—instead of the current 200 grams—would face 5 to 15 years in prison, even if it was for personal use.



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HB2798

would have banned overdose prevention centers that save lives by preventing fatal overdoses, connecting people to care, and reducing public drug use. We need to expand access to treatment — not eliminate tools supported by public health experts.



DREAM.ORG



HB2437

threatened to add harsh penalties like longer prison sentences, stricter drug-free zone laws, reduced access to early release or probation and punishment for service providers like shelters trying their best to help the most vulnerable in the community.

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12NEWS 

Arizona

New Arizona law creates independent prison oversight office

"It's always been a fight and a losing one," said Kara Janssen. "And this year we had bipartisan support and got it through."

Janssen is formerly incarcerated and now serves as the 2025 Dream Empathy Network Leader. She's been pushing for prison oversight for years.

DREAM.ORG

Big win for Wisconsin!

Thanks to relentless advocacy,
Governor Tony Evers has vetoed AB 85 🌞





text
CARE
to
97483

DREAM.ORG

By texting to 97483, you consent to recurring messages from Dream.Org to help & contribute to making dreams real – together,
msg & data rates may apply; text STOP to quit; HELP for info

DREAM.ORG

**PUBLIC
HEALTH
IS
PUBLIC
SAFETY**



Questions?



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Please take this survey to evaluate
conference sessions.



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