

U.S. v. Safehouse, et al., Appeal No. 20-1422

Amicus Briefs in Support of Rehearing *En Banc*

IN SUPPORT

GROUP	SIGNATORY	LAW FIRM	COUNSEL	SYNOPSIS
City of Philadelphia (2)	Mayor Jim Kenney Health Commissioner Dr. Thomas Farley	City of Philadelphia Law Department	Jennifer MacNaughton	Mayor Kenney and Commissioner Farley support an overdose prevention site in Philadelphia because decades of public health research have shown that these facilities save lives and reduce the harms associated with opioid use.
Fourteen Cities and Counties (14)		Hogan and Lovells US LLP	Joseph T. Spoerl Virginia A. Gibson Stephen A. Loney, Jr. Alexander B. Bowerman	This case presents a question of exceptional importance to public health officials fighting the opioid crisis at the local level: whether the Controlled Substances Act (specifically, 21 U.S.C. § 856(a)(2)) prohibits overdose-prevention sites like Safehouse. That is a question of first impression, and between the panel majority, Judge Roth’s dissent, and the District Court’s decision, it is clear that well- informed legal opinions diverge regarding the proper interpretation of Section 856(a)(2) in the context of legitimate medical interventions.
	City of New York	New York City Law Department	James E. Johnson Corporation Counsel of the City of New York	
	City and County of San Francisco	City Attorney's Office	Dennis J. Herrera San Francisco City Attorney	
	King County, Washington	King County Prosecuting Attorney's Office	Howard Phillip Schneiderman Senior Deputy Prosecution Attorney	
	City of Pittsburgh, PA	City of Pittsburgh	Yvonne S. Hilton Solicitor for the City of Pittsburgh	
	City of Seattle, WA	City of Seattle	Peter S. Holmes Seattle City Attorney	
	City of Chicago, IL	City of Chicago	Celia Meza Action Corporation Counsel of the City of Chicago	
	City of Somerville, MA	City of Somerville	Francis X. Wright, Jr. City Solicitor	
	Cook County, IL	Cook County State's Attorney's Office	Jessica M. Scheller Chief, Advice, Business & Complex Litigation Division	
	Washtenaw County, MI	Counsel fo the Washtenaw Prosecuting Attorney	Eli Savit Washtenaw County Prosecution Attorney	
	City of Austin, TX	City Attorney's Office	Anne L. Morgan	

City of San Diego, CA	City Attorney's Office	Mara W. Elliott, Kevin King City Attorney
City of Oakland, CA	City Attorney's Office	Barbara J. Parker City Attorney
City of Albuquerque, NM	City Attorney's Office	Esteban A. Aguilar, Jr. City Attorney
Multnomah County, OR	County Attorney's Office	Robert E. Sinnott Sr. Assistant County Attorney
Eight States and Washington, D.C.	Office of the Solicitor General Office of the Attorney General	Karl A. Racine Attorney General for the District of Columbia Loren L. Alikhan Solicitor General Caroline S. Van Zile Principal Deputy Solicitor General Lucy E. Pittman and Mark S. Wigley Assistant Attorneys General
State of Delaware	State Attorney General Office	Kathleen Jennings Attorney General
State of Illinois	State Attorney General Office	Kwame Raoul Attorney General
State of Michigan	State Attorney General Office	Dana Nessel Attorney General
State of Minnesota	State Attorney General Office	Keith Ellison Attorney General
State of New Mexico	State Attorney General Office	Hector H Balderas Attorney General
State of Oregon	State Attorney General Office	Ellen F. Rosenblum Attorney General
State of Vermont	State Attorney General Office	Thomas J. Donovan, Jr. Attorney General
Commonwealth of Virginia	Attorney General's Office	Mark R. Herring Attorney General

The Amici States are battling a nationwide opioid crisis that claims over 100 lives every day. States are working to address this epidemic, develop interventions to prevent opioid use disorder, and treat those suffering from opioid dependence. As laboratories of experimentation and the primary regulators of public health, states should be free to adopt cutting-edge medical interventions. But, as the data demonstrate, neither states nor the federal government have solved this crisis yet. The Amici States share a goal of preventing overdose deaths, but the means of achieving that important goal must vary based on the nature of the epidemic on a local level.