

Resources for MOUD Compliance Under the ADA

The Americans with Disabilities Act (ADA) protects access to medication for opioid use disorders (MOUD).

The Department of Justice (DOJ) has clarified its effort to enforce ADA protections for people who use MOUD.

- DOJ's April 2022 [press release](#) and [Guidance on Protections for People with Opioid Use Disorder Under the Americans with Disabilities Act](#);
- DOJ Journal of Federal Law and Practice article entitled "[Using the Americans with Disabilities Act to Reduce Overdose Deaths](#)", page 113, authored by David Howard Sinkman and Gregory Dorchak;
- DOJ's [FYs 2022-2026 Strategic Plan](#), see Objective 2.5, "Combat Drug Trafficking and Prevent Overdose", page 32;
- The Action Lab's [Access to MOUD Behind Bars Fact Sheet](#) which consolidates the facts in the above DOJ resources (scroll to bottom of page);
- [Smith v. Aroostook County](#) and [Pesce v. Coppinger](#) are cases where plaintiff won preliminary injunction to have access to MOUD while incarcerated;
- Additional examples:
 - [Franciscan St. James Health](#)
 - [Peter McCarthy and Steps to Solutions, Inc.](#)
 - [Unified Judicial System of Pennsylvania](#)
- ADA submission website where people can submit complaints about facilities denying access to MOUD: www.ada.gov/complaint.

For people on MOUD entering jail, prison, or treatment, the above resources illuminate the following conclusions:

1. If someone has an MOUD prescription (methadone, buprenorphine, suboxone), enters a facility (jail, prison, treatment), is prevented from using their prescribed medication, asks for their medication, and is still denied, it is an ADA violation.
2. If someone has an MOUD prescription, enters a facility, would have access to their medication but for evidence of illicit substances in their urine, if the facility is providing their healthcare, the facility likely cannot deny access to the prescribed MOUD.

The [Action Lab](#) at Northeastern University School of Law is collecting stories of people who have been denied access to MOUD in jail, prison, or in treatment facilities. **Here is the [link to a survey where people or their loved ones can share those stories](#).** Our purpose is to identify where and what type of ADA noncompliance exists. There is no liability to filling out this form and it is completely anonymous. We appreciate distribution of this link on twitter or other social networks to increase exposure.