Criminal Law—Third Circuit Holds Proposed Drug Consumption Room is Criminal Violation of the Controlled Substance Act—United States v. Safehouse, 985 F.3d 225 (3rd Cir. 2021)

Veronica Lee
*Suffolk University*
CRIMINAL LAW—THIRD CIRCUIT HOLDS PROPOSED DRUG CONSUMPTION ROOM IS CRIMINAL VIOLATION OF THE CONTROLLED SUBSTANCE ACT—UNITED STATES V. SAFEHOUSE, 985 F.3D 225 (3RD CIR. 2021)

Congress passed the Controlled Substances Act (“CSA”) as part of the Comprehensive Drug Abuse Prevention and Control Act to regulate the use and distribution of illegal drugs.\(^1\) Section 856(a) of the CSA specifically prohibits the act of maintaining a drug-involved premises.\(^2\) In *United States v. Safehouse,*\(^3\) the Third Circuit Court of Appeals addressed whether opening a consumption room to prevent overdose-related deaths violated section 856(a) of the CSA.\(^4\) The Third Circuit ultimately held that Safehouse’s proposed consumption room would violate section 856(a) of the CSA because its users have a “significant purpose” of using illegal drugs on the premises.\(^5\)

In 2018, Safehouse, a nonprofit corporation, filed a proposal to open a drug treatment facility that would feature America’s first safe-injection site.\(^6\) With support from local government officials, the nonprofit sought to save lives by preventing the spread of disease, counteracting drug overdoses, and providing drug treatment options.\(^7\) To achieve these goals, Safehouse

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\(^3\) 985 F.3d 225 (3d Cir. 2021).

\(^4\) See id. at 232 (arguing language of statute criminalizes consumption room); see also Philadelphia County Medical Society, Federal Appeals Court Rejects Plans for Philly’s First Ever Supervised Injection Site, PHILADELPHIA COUNTY MEDICAL SOCIETY (Jan. 14, 2021), https://perma.cc/KF5A-D2L2 (discussing Safehouse’s plans to open first safe-injection site in United States).

\(^5\) See Safehouse, 985 F.3d at 232, 237 (holding CSA applies to Safehouse consumption room).


\(^7\) See Safehouse, 985 F.3d at 229 (outlining Safehouse’s goals for facility); Joseph Gambardello, Philadelphia’s supervised injection site has faced a long legal battle: How we got here, THE PHILA. INQUIRER (Feb. 26, 2020), https://perma.cc/89VM-T3W5 (outlining legal history of
planned to open a consumption room, which would allow individuals to use pre-obtained drugs in its facility under medical supervision.\footnote{8}{See Safehouse, 985 F.3d at 231 (describing nature of drug use at Safehouse).}

The United States Department of Justice brought suit against Safehouse, seeking a declaratory judgment that the proposed safe-injection site violated section 856(a) of the CSA, which prohibits individuals from owning or maintaining premises for the purpose of drug use.\footnote{9}{See id. (explaining basis of government’s action). The government argued that, to violate section 856(a)(2), Safehouse need only “knowingly and intentionally” open its facility to visitors who come “for the purpose of . . . using drugs.” Id. at 232. The government further asserted that the text of section 856(a) focuses on the third party’s purpose for use of the property rather than the property owner’s purpose. Id.}

Safehouse counterclaimed for a declaratory judgment, arguing that the safe-injection site would not violate the CSA because Safehouse did not have the purpose that its visitors use drugs.\footnote{10}{See id. at 231-32 (analyzing Safehouse’s counterclaim and describing Safehouse’s argument).} The district court ruled that the statutory language of section 856(a) of the CSA did not apply to Safehouse because its purpose in opening the consumption room was to “offer medical care, encourage treatment, and save lives, not to facilitate drug use.”\footnote{11}{See Safehouse, 985 F.3d at 231 (summarizing district court’s ruling); United States v. Safehouse, 408 F. Supp. 3d 583, 618 (E.D. Pa. 2019) (“The ultimate goal of Safehouse’s proposed operation is to reduce drug use, not facilitate it, and accordingly, § 856(a) does not prohibit Safehouse’s proposed conduct.”)}

The United States subsequently appealed.\footnote{12}{See Safehouse, 985 F.3d at 231 (describing procedural history of case).}

In 1970, Congress passed the Controlled Substances Act, which regulates the manufacture, possession, and use of certain controlled substances.\footnote{13}{See 21 U.S.C. §§ 841-63 (regulating controlled substances under CSA). Under the CSA, a person may not: make, distribute, or sell drugs; possess drugs; take part in a drug ring; sell drug paraphernalia; or maintain a “drug-involved premises,” defined as a place for using, sharing, or producing drugs. Id.} After an increase in the use of abandoned residences for illicit drug activity, section 856(a) of the CSA was enacted to prohibit the use, management, or control of premises for the manufacture, distribution, or use

safe-injection site). In 2019, more than 70,000 people in the United States died from drug-related overdoses, demonstrating the need to address the harmful effects of the criminalization and use of opioids. Editorial Board, Opinion: Injection sites could save lives and reduce drug use, WASH. POST (Sept. 23, 2021, 4:53 PM), https://perma.cc/9RH9-SAE8. Supervised injection sites have proven effective in preventing overdose deaths and reducing overall addiction in other countries. Supervised Consumption Services, DRUG POLICY ALLIANCE (Aug. 6, 2018), perma.cc/83M7-CX75 (describing traditional practices of safe-injection sites). “There are approximately 120 [safe-injection sites] currently operating in ten countries around the world (Australia, Canada, Denmark, France, Germany, Luxembourg, the Netherlands, Norway, Spain and Switzerland).” Id.
of a controlled substance. This section was later amended in 2003 to include promoters of drug-fueled “rave parties” and to extend criminal liability to temporary premises.

Section 856(a)(1) of the CSA states that it is “unlawful to knowingly open, lease, rent, use or maintain any place, whether permanently or temporarily, for the purpose of manufacturing, distributing, or using any controlled substance.” Section 856(a)(2) provides that it is unlawful to “manage or control any place, whether permanently or temporarily . . . for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.” The principal distinction between paragraph (a)(1) and (a)(2) is that while (a)(1) criminalizes an individual’s personal illegal drug activity, paragraph (a)(2) imposes liability when an individual deliberately makes his premises available to a third party who has the purpose of illegal drug activity. To be liable under paragraph (a)(1), the defendant must have the requisite purpose of illicit drug use, but under paragraph (a)(2), the defendant need only knowingly make his property available for a third party whose purpose is illegal drug use. After the 2003 amendment, then-Senator

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14 See 21 U.S.C. § 856(a) (prohibiting the use, management, or control of premises for drug distribution or use); see also Dahleen Glanton, Race, the crack epidemic and the effect on today’s opioid crisis, CHICAGO TRIBUNE (Aug. 21, 2017, 6:24 AM), https://perma.cc/GR68-GU2J (providing history of the War on Drugs and subsequent government action).

15 See Answer at 29-30, United States v. Safehouse, 408 F. Supp. 3d 583 (E.D. Pa. 2019) (No. 2:19-cv-00519) (describing the purpose of the statute). Section 856, colloquially nick-named the “crack house statute,” was originally introduced as part of the Emergency Crack Control Act of 1986. United States v. Sturmoski, 971 F.2d 452, 462 (10th Cir. 1992). Prior to the introduction of section 856, it was nearly impossible to shut down crack houses because no law specifically targeted the owner or maintainer of the premises. United States v. Jefferson, 714 F.2d 689, 691-92 (7th Cir. 1983). The legislative history of section 856 demonstrates Congress’s goal to criminalize the use of property for use and distribution of narcotics by making it a distinct offense. Sturmoski, 971 F.2d at 462.

16 See § 856(a)(1) (specifying unlawful acts under first paragraph of section 856(a)).

17 See § 856(a)(2) (specifying unlawful acts under second paragraph of section 856(a)).

18 See United States v. Safehouse, 408 F. Supp. 3d 583, 596 (E.D. Pa. 2019) (holding paragraph (a)(1) applies only to defendants conduct); United States v. Shetler, 665 F.3d 1150, 1162 (9th Cir. 2011) (concluding purpose of section 856(a)(1) is to target property used to profit from drug sales); United States v. Verners, 53 F.3d 291, 296-97 (10th Cir. 1995) (finding violation of section 856(a)(1) when defendant used bedroom for drug dealing); United States v. Clavis, 956 F.2d 1079, 1083-85, 1090-94 (11th Cir. 1992) (finding violation of section 856(a)(1) when defendant used rental house as drug distribution center).

19 See United States v. Chen, 913 F.2d 183, 190 (5th Cir. 1990) (“Under § 856(a)(2), the person who manages or controls the building and then rents to others, need not have the express purpose in doing so that drug related activity take place . . . “); United States v. Wilson, 503 F.3d 195, 197-98 (2d Cir. 2007) (“The phrase ‘for the purpose,’ as used in this provision, references the purpose and design not of the person with the premises, but rather of those who are permitted to engage in drug-related activities there.”); United States v. Banks, 987 F.2d 463, 466 (7th Cir. 1993) (“The phrase ‘for the purpose of’ appears in both subsection (a)(1) and (a)(2), but it has a different meaning in each . . . In (a)(2) the ‘purpose’ may be that of others . . . .”); United States v. Tamez, 941
Joseph Biden provided insight into the legislative intent of paragraph two, stating that “rogue promoters [charged under the statute must] not only know that there is drug activity at their event but also hold the event for the purpose of illegal drug use or distribution.”

The Supreme Court has established that, when analyzing criminal statutes, statutory language should be strictly construed so that its words are given a narrow meaning. But while the rules of statutory construction state that “[i]dentical words used in different parts of the same statute are generally presumed to have the same meaning,” courts must be careful not to construe the language so narrowly that sections are rendered redundant or non-functional. Where the plain language of the statute is ambiguous, courts may look to legislative intent to further evaluate how the statute should be applied. By considering both the plain meaning and lawmaker’s intent, courts seek to avoid creating “unintended or absurd” results when applying a statute.

F.2d 770, 774 (9th Cir. 1991) (“Both provisions of § 856 must have meaning . . . (a)(1) was intended to apply to deliberate maintenance of a place for a proscribed purpose, whereas (a)(2) was intended to prohibit an owner from providing a place for illegal conduct . . . .”); LAMPE, supra note 2, at 2 (“In essence, the first provision prohibits an entity from maintaining premises for its own drug-related activities, while the second prohibits making premises available for drug-related activity by third parties.”)


21 See Yates v. United States, 354 U.S. 298, 310 (1957) (describing initial approach to statutory construction in criminal cases); United States v. Temple, 105 U.S. 97, 99 (1957) (“Our duty is to read the statute according to the natural and obvious import of the language, without resorting to subtle and forced construction for the purpose of either limiting or extending its operation.”)


23 See Yates, 345 U.S. at 310 (holding that statutes must not be interpreted so strictly as to defeat obvious intention of legislature); Chen, 913 F.2d 183, 188-189 (discussing role of lenity in analyzing criminal statutes subsequent to their plain meaning).

However, the rule of lenity and strict construction are limited. The canon in favor of strict construction of criminal statutes is not an inexorable command to override common sense and statutory purpose. Nor does it demand that a statute be given the ‘narrowest meaning’; it is satisfied if the words are given their meaning in accord with the manifest intent of the lawmakers.

Chen, 913 F.2d at 189 (quoting United States v. Rojas, 671 F.2d 159, 163 (5th Cir. 1982)) (indicating application of lenity is common sense interpretation of statute as intended by legislatures).

24 United States v. Hodge, 321 F.3d 429, 437 (3rd Cir. 2003) (instructing courts to look to scope of legislative intent). Absurd or unintended results are those which are “at odds with the
In United States v. Safehouse, Safehouse argued that its consumption room would not violate the CSA because section 856(a) does not broadly apply to any property where drug use occurs, but only to properties used, maintained, or opened “for the purpose” of illegal drug activity.25 The Department of Justice, on the other hand, contended that section 856(a)(2) prohibits Safehouse’s proposed safe-injection site because the people who use it will do so for the purpose of illegal drug use.26 The Third Circuit ultimately sided with the government, ruling that section 856(a)(2) focuses on a third party’s purpose when determining liability, and that Safehouse’s knowing and intentional opening of the safe-injection site would thus violate the CSA.27

To differentiate between the similar language of paragraphs (1) and (2), the Third Circuit highlighted the meaning of the word “purpose” in each subsection.28 To avoid making the subsections redundant, the court interpreted section 856(a)(1) as prohibiting a defendant from operating a place for his own illegal drug activity, and interpreted section 856(a)(2) as barring a defendant from knowingly making his property available to another who has the purpose of engaging in illegal drug activity.29

intention of its drafters.” Id. (quoting Griffin v. Oceanic Contractors, Inc., 458 U.S. 564, 571 (1981)).

25 See Brief of Appellees at 2, United States v. Safehouse, 985 F.3d 225 (3d Cir. 2021) (No. 20-1422) (arguing Safehouse’s consumption room does not violate section 856). Safehouse argued that it could not violate section 856, as its purpose in opening the consumption room was to save lives, not to facilitate drug use. Id. Safehouse’s argument was based on the plain text of section 856, its legislative history, and Congress’s intended purpose, all of which suggest that the legislation was not meant to criminalize medical and public health facilities. Id.

26 See Brief of Appellants at 21, United States v. Safehouse, 985 F.3d 225 (3d Cir. 2021) (No. 20-1422) (arguing requisite purpose pertains to patrons of safe-injection site). The government argued that liability under section 856(a) attaches to a property owner when the owner knowingly makes his property available to an individual who has the purpose of engaging in illegal drug activity. Id. at 12. The government further noted that Safehouse would knowingly permit participants to use the proposed consumption room for the purpose of illegal drug use, resulting in a direct violation of section 856(a)(2). Id.

27 See Safehouse, 985 F.3d at 232 (holding section 856 criminalizes third party’s purpose on defendant’s property).

28 See id. (defining purpose under each paragraph of section 856(a)); Bostock v. Clayton Cty., 140 S. Ct. 1731, 1738 (2020) (noting statutory interpretation applies “ordinary public meaning” of terms).

29 See Safehouse, 985 F.3d at 233-34 (interpreting section 856(a) subsections to avoid redundancy and remain consistent with other circuit courts); see also United States v. Williams, 923 F.2d 1397, 1403-04 (10th Cir. 1990) (noting under section 856(a)(1) defendant must have “substantial connection” to property and be more than a “casual visitor”).
subsections of section 856(a), rendering its language superfluous and inoperative.\textsuperscript{30} By separately defining the word “purpose” in each subsection, the court determined that any ambiguity was resolved and that legislative intent need not be evaluated.\textsuperscript{31}

The Third Circuit’s decision to criminalize Safehouse’s consumption room under section 856(a) is inconsistent with the rules of statutory interpretation and Congress’ legislative intent.\textsuperscript{32} In its interpretation of section 856(a)(2), the Third Circuit cited the principle that a statute should be construed to give all provisions full effect and avoid rendering any parts of the statute inoperative or superfluous.\textsuperscript{33} Despite this, the court ruled that the term “purpose” under section 856(a)(1) refers to a defendant, and, under section 856(a)(2), to an unnamed third party, effectively giving the word different meanings.\textsuperscript{34} Though the Supreme Court has affirmed that courts must

\textsuperscript{30} See Safehouse, 935 F.3d at 235-36 (prohibiting Safehouse’s interpretation due to incongruence with traditional statutory construction); United States v. Chen, 913 F.2d 183, 190 (5th Cir. 1990) (promulgating rule against interpretations that render statutory language redundant).

\textsuperscript{31} See Safehouse, 935 F.3d at 238 (ruling that the plain language alone will be evaluated because of its clarity, and not Congress’s intent).

\textsuperscript{32} See Yates v. United States, 354 U.S. 298, 310 (1957) (stating criminal statutes should be strictly construed to give words narrow meaning); United States v. Temple, 105 U.S. 97, 99 (1957) (noting statute should be read according to “natural and obvious import of the language”); Safehouse, 985 F.3d at 243 (Roth, J., dissenting) (asserting majority decision criminalizes innocent conduct and Safehouse does not have requisite “purpose”); United States v. Shetler, 665 F.3d 1150, 1162 (9th Cir. 2011) (stating Congress’s primary purpose of section 856(a)(1) was to target property used to for drug sales); Safehouse, 985 F.3d at 245 (Roth, I., dissenting) (quoting 149 Cong. Rec. S10608 (daily ed. July 31, 2003) (statement of Sen. Joseph Biden)) (expressing Senator Joe Biden’s statement “[section 856] does not criminalize simple consumption of drugs in one’s home”); United States v. Verners, 53 F.3d 291, 296-97 (10th Cir. 1995) (“We agree that the ‘crack-house’ statute was designed to punish those who use their property to run drug businesses—hence, the more characteristics of a business that are present, the more likely it is that the property is being used ‘for the purpose of’ those drug activities prohibited by § 856(a)(1).”) (quoting United States v. Banks, 987 F.2d 463, 467 (7th Cir. 1993)).

\textsuperscript{33} See United States v. Chen, 913 F.2d 183, 190 (5th Cir. 1990) (quoting Duke v. Univ. of Tex., 663 F.2d 522, 526 (5th Cir. 1981)) (“It is well established that a statute should be construed so that each of its provisions is given its full effect; interpretations which render parts of a statute inoperative or superfluous are to be avoided.”) It should be noted that the Fifth Circuit in Chen ruled that section 856(a)(2) applies to the person who has knowingly allowed others to engage in illegal drug activity on his property, and interpreting the statute otherwise would render the statute superfluous. \textit{Id. But see} Transcript of Oral Argument at 12, United States v. Safehouse, 985 F.3d 225 (3d Cir. 2021) (No. 20-1422) (Judge Roth) “I think Chen is wrong. I think if you use classic statutory interpretation rules, that ‘for the purpose of’ in ‘two contiguous sections’ is—should be interpreted in the same way’). The \textit{Chen} holding has led circuit courts to interpret section 856(a) of the CSA in such a way to avoid making paragraphs (1) and (2) redundant. \textit{Id.} at 13.

\textsuperscript{34} See Safehouse, 985 F.3d at 246 (Roth, J., dissenting) (“[T]he majority’s construction of section 856(a)(2) does not require a defendant to have any particular purpose whatsoever; it is the third party’s purpose that is unlawful. And, unlike in a conspiracy, the government specifically argues that intent to facilitate is not necessary.”) Under the majority’s interpretation, a third party’s drug
“look to the words of the statute” and consider legislative intent in cases of ambiguity, the court here opted for a broad reading of the statute and incorrectly determined legislative intent to be irrelevant.\textsuperscript{35}

The Third Circuit’s interpretation of section 856(a)(2) explicitly violates the legislature’s intent to not punish a property owner for the behavior of a third party.\textsuperscript{36} Congress’s purpose when enacting section 856 was to target only those who use their property to profit from illegal drug use.\textsuperscript{37} Additionally, courts have consistently held that when a property is primarily residential, drug use is merely incidental to maintaining the property as a home.\textsuperscript{38} This same reasoning can be applied to Safehouse—its purpose in maintaining its safe-injection site is not for profit, and, as such, drug use is merely incidental in maintaining the site.\textsuperscript{39} This is because Safehouse is a non-profit organization hoping to combat the opioid epidemic plaguing the United States through a consumption room—a harm-reduction measure that has proven effective in several countries.\textsuperscript{40} The Third Circuit’s ruling also

\textsuperscript{35} See Safehouse, 985 F.3d at 245 (Roth, J., dissenting) (criticizing Majority’s interpretation). Judge Roth argued that the Majority failed to read the statute narrowly by designating the purpose of a third party, rather than the purpose of the defendant, as the relevant factor in determining the mens rea element of the statute. \textit{Id.} She also noted that the Majority failed to consider the legislature’s intent in the face of ambiguity. \textit{Id.} It should be noted that even the government conceded that section 856(a) is poorly written. Transcript of Oral Argument at 21, United States v. Safehouse, 985 F.3d 225 (2020) (No. 20-1422) (McSwain for the United States). This concession further supports the notion that the court should focus on the legislative intent rather than the ambiguous wording of the statute. \textit{Id.}; see also Bostock v. Clayton Cty., 140 S. Ct. 1731, 1738 (2020) (“This Court normally interprets a statute in accord with the ordinary public meaning of its terms at the time of its enactment.”); Yates, 354 U.S. at 305 (holding courts should consider legislative intent in statutory interpretation).

\textsuperscript{36} See 149 Cong. Rec. S1678, supra note 20 (stating statute should not be used to “go after” every landowner where drug activity happens).

\textsuperscript{37} See United States v. Verners, 53 F.3d 291, 296-97 (10th Cir. 1995) (“We agree that the ‘crack-house’ statute was designed to punish those who use their property to run drug businesses—hence, the more characteristics of a business that are present, the more likely it is that the property is being used ‘for the purpose of’ those drug activities prohibited by 856(a)(1)’); United States v. Lancaster, 968 F.2d 1250, 1253 (D.C. Cir. 1992) (“The ‘casual’ drug user does not run afoul of this prohibition because he does not maintain his house for the purpose of using drugs but rather for the purpose of residence, the consumption of drugs therein being merely incidental to that purpose”); United States v. Shetler, 665 F.3d 1150, 1162 (9th Cir. 2011) (holding Congress’s primary purpose in enacting section 856(a)(1) was to target property used to profit from drug sales).

\textsuperscript{38} See Lancaster, 968 F.2d at 1253 (arguing residential properties have distinct purposes separate from incidental drug use on the premises).

\textsuperscript{39} Safehouse, 985 F.3d at 231 (describing Safehouse’s purpose); see also Overdose Prevention Centers, DRUG POLICY ALLIANCE, https://drugpolicy.org/issues/supervised-consumption-services (last visited Nov. 19, 2021) (noting success of safe-injection sites globally).

\textsuperscript{40} See Safehouse, 985 F.3d at 229 (describing features of Safehouse); Supervised Consumption Services, DRUG POL’Y ALLIANCE, https://drugpolicy.org/issues/supervised-consumption-services (last visited Nov. 19, 2021) (“There are more than 120 [safe-injection sites] currently operating in...
ignores Congress’ recognition that drug addiction requires policy enacted medical treatment, as expressed in a 2016 appropriation bill allowing federal funding for syringes and syringe exchange services.\textsuperscript{41}

The Third Circuit similarly failed to account for the “unintended or absurd” results of its interpretation of section 856(a), a critical consideration in statutory construction.\textsuperscript{42} Under the court’s interpretation, a parent who allows their child to live at home, knowing the child will use drugs, could also be criminally charged under the CSA.\textsuperscript{43} The court and government were quick to dismiss such hypotheticals, noting that drug use in these cases is “incidental,” but failed to explain why drug use at Safehouse cannot be


\textsuperscript{42} See Safehouse, 985 F.3d at 247 (Roth, J., dissenting) (stating “the Majority’s construction also violates the ‘deeply rooted rule of statutory construction’ that we must avoid ‘unintended or absurd results.’”); United States v. Hodge, 321 F.3d 429, 434 (3d Cir. 2003) (noting potential for “unintended or absurd results” in disjunctive interpretation of section 802(32)(A)) (quoting U.S. v. Forbes, 806 F. Supp. 232, 235 (D. Colo. 1992)). In Hodge, the Third Circuit considered the correct interpretation of section 802(32)(A), which provides the definition of “controlled substance analogue.” Id. In its discussion, it noted that a disjunctive reading of the statute would classify certain legal substances, such as caffeine or alcohol, as “controlled substance analogues.” Id.; United States v. Bankoff, 613 F.3d 358, 369 n.10 (3d Cir. 2010) (stating appellant’s interpretation of statute “would lead to an absurd result”).

\textsuperscript{43} See Safehouse, 985 F.3d at 247 (Roth, J., dissenting) (discussing results of majority’s statutory construction). In her dissent, Judge Roth states:

As Safehouse correctly argues, under the Majority’s construction, parents could violate the statute by allowing their drug addicted adult son to live and do drugs in their home even if their only purpose in doing so was to rescue him from an overdose. Conceding that its reading of section (a)(2) cannot be taken literally, the Majority concludes that a defendant cannot be guilty where drug use is merely “incidental” to the guest’s other purposes.

\textit{Id.} While the majority rejected hypotheticals that would lead to such results, it failed to clarify why the drug use at Safehouse is not incidental to its purpose. \textit{Id.} at 247-48. If drug use in a home is considered incidental to residency, then drug use at a safe-injection site could be considered incidental to an overall goal of harm-reduction. \textit{Id.} at 247.
considered incidental to its purpose of preventing drug-related deaths.\(^{44}\) Not only are these results unfortunate, but they are the product of the blatant disregard for the rules of statutory interpretation and the legislative intent of the CSA as a whole.\(^{45}\)

In its pursuit to criminalize premise owners that permit drug use on their properties, the Third Circuit failed to differentiate between a public health facility and a “crack house.” Circumventing traditional rules regarding statutory interpretation and legislative intent, the court determined that Safehouse’s safe-injection site violated the Controlled Substances Act. By refusing to classify Safehouse as a public health facility under section 856(a)(2), the Third Circuit’s decision perpetuates the tragic loss of life from the ongoing opioid crisis. The precedent set in this case, and the Supreme Court’s subsequent denial of certiorari, creates yet another obstacle for safe and effective drug treatment.

Veronica Lee

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\(^{44}\) See IBP, Inc. v. Alvarez, 546 U.S. 21, 34 (2005) (stating rules of statutory interpretation). The drug use at Safehouse does not fall within the confines of section 856(a) because its purpose is to prevent overdose deaths, provide medical treatment, and provide services to those suffering from addiction—drug use is merely incidental to that purpose. Transcript of Oral Argument at 51, United States v. Safehouse, 985 F.3d 225 (2020) (No. 20-1422) (Eisenstein) (arguing that Safehouse’s purpose is not criminalized under section 856(a)(2)). Ultimately, Safehouse’s purpose is to encourage people suffering from addiction to seek treatment, and the drug use allowed in the consumption room is merely a means to that end. Transcript of Oral Argument at 51, United States v. Safehouse, 985 F.3d 225 (2020) (No. 20-1422) (Eisenstein).

\(^{45}\) See United States v. Chen, 913 F.2d 183, 190 (5th Cir. 1990) (quoting Duke v. Univ. of Tex., 663 F.2d 522, 526 (5th Cir. 1981)) (stating statute should be “construed so that each of its provisions is given its full effect”); Bostock v. Clayton Cty., 140 S. Ct. 1731, 1738 (2020) (noting proper method of statutory interpretation). “This Court normally interprets a statute in accord with the ordinary public meaning of its terms at the time of its enactment. After all, only the words on the page constitute the law adopted by Congress and approved by the President.” \(Id.;\) Yates v. United States, 354 U.S. 298, 305 (1957) (stating statutes must not be interpreted “so strictly as to defeat the obvious intention of legislature.”)