



**U.S. Department of Justice**

*United States Attorney's Office  
Eastern District of Kentucky*

---

260 W. Vine Street, Suite 300  
Lexington, Kentucky 40507-1612

(859) 233-2661  
FAX (859) 233-2747

April 4, 2024

**Via email**

**Re: Applicability of the Americans with Disabilities Act to individuals prescribed medications for opioid use disorder**

Dear Administrator:

During the last few years, our office has received an increasing number of reports from members of the community about correctional facilities allegedly denying individuals in custody access to certain prescribed medication. We are writing today to remind our local correctional facilities of the federal requirements of the Americans with Disabilities Act ("ADA"). Specifically, under the ADA, correctional facilities cannot deny healthcare services, including lawfully prescribed medication, to individuals based upon the type of medication prescribed. This includes buprenorphine (Suboxone), naltrexone, or methadone, which are used to treat Opioid Use Disorder ("OUD"). Individuals being treated with medication for OUD are generally considered disabled and are protected by the ADA.

Because the ADA prohibits discrimination based on disability, correctional facilities that deny healthcare services to individuals because of their OUD treatment discriminate against those with OUD. To comply with the non-discrimination requirements of the ADA, correctional facilities that provide healthcare services may not change or discontinue an individual's medication used to treat OUD, except upon an individualized determination made by a licensed healthcare provider that treatment is no longer appropriate based on the individual's current condition. Further, correctional facilities must offer treatment with medication for OUD to all individuals in custody for whom such treatment is medically appropriate. Finally, correctional facilities must train their staff in the requirements of the ADA.

Our office is committed to ensuring the rights of individuals in treatment for OUD. In the last year, our office has collaboratively resolved multiple ADA matters with correctional facilities, remedying failures to appropriately treat individuals with OUD. (See, Press releases announcing these settlements: <https://www.justice.gov/usao-edky/pr/us-attorney-s-office-announces-agreement-ensure-access-medications-opioid-use-disorder> and

<https://www.justice.gov/usao-edky/pr/us-attorneys-office-announces-agreement-ensure-access-medications-opioid-use-disorder>.) The Department also recently filed a statement of interest explaining how the ADA applies to the provision of medication for OUD in jails and prisons. That statement of interest and related press release is available at <https://www.justice.gov/opa/pr/justice-department-files-statement-interest-case-alleging-pennsylvania-jail-unlawfully>.

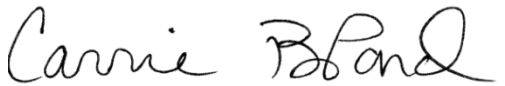
In accordance with federal law, we will continue to pursue enforcement actions against correctional facilities that fall short of meeting these legal requirements. Consequently, we want to encourage correctional facilities to review their existing policies in this area and ensure they are consistent with the non-discrimination requirements of the ADA.

For more information about the ADA's prohibitions on discrimination against individuals with opioid use disorder, please visit [www.ada.gov/topics/opioid-use-disorder/](http://www.ada.gov/topics/opioid-use-disorder/). The U.S. Department of Justice's Bureau of Justice Assistance and National Institute of Corrections also issued comprehensive guidance in 2023, which we encourage facilities to consult when reviewing policies. That guidance is available at <https://bja.ojp.gov/news/new-resource-guidelines-managing-substance-withdrawal-jails>.

If you have questions, please contact our office's civil rights coordinator by email at [usakye.civilrights@usdoj.gov](mailto:usakye.civilrights@usdoj.gov) or by leaving a voicemail at 859-685-4880.

Sincerely,

CARLTON S. SHIER, IV  
UNITED STATES ATTORNEY

By:   
Carrie B. Pond  
Assistant United States Attorney