



## **The ADA , Addiction and Recovery**

### **Frequently Asked Questions (FAQs)**

#### **Introduction**

The New England ADA center conducts trainings on the ADA, addiction and recovery. The following questions were posed to us by training attendees. We hope that the FAQs will start to answer some of your questions. The FAQ topics are on: employment; state and local government; shelter, housing, recovery homes, healthcare; and businesses and non-profits. To ask your own question, please call our toll free confidential number 800-949-4232 or email: [info@NewEnglandADA.org](mailto:info@NewEnglandADA.org) .

#### **Employment**

##### **1. Can a job application ask about Suboxone or other prescription medications used in recovery?**

No, a person with a disability including someone in recovery can't be asked about their medications on the application or during an interview. This medical inquiry may lead to the disclosure of a disability, including a person's recovery status. Once an applicant is offered a job, but before the first day of work, the employer may ask for medical information or require a medical exam. This inquiry is legal as long as all employees in similar positions are asked for the same medical information. For more information, read our factsheet ["The ADA, Addiction, Recovery and Employment."](#)

##### **2. Can an applicant be denied a job because of a criminal record?**

It depends. An employer can establish policies or practices, including around criminal record screening that are "job related and consistent with business necessity" for a position. The employer must conduct an individualized assessment in order to show that their criminal record policy is "job related and consistent with business necessity" and bears directly on the applicant's performance of the job. In the individualized assessment, the employer looks at the nature and severity of the offense, the passage of time, and the job for which the applicant applied.

It is important to note that minorities and people with disabilities are overrepresented in the prison population at a rate of two to three times their representation in the general population. They face barriers to employment once they have completed their sentence. Employers must be conscious when establishing policies and guard against unintentional bias or purposeful discrimination; otherwise, they may violate Title VII of the Civil Rights Act and other civil rights laws because the policy in question has a disparate impact on a protected class of people. [Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act](#)

### [Questions and Answers: The Americans With Disabilities' Act and Hiring Police Officers](#)

#### **3. If a recovery coach relapses, is the person still protected by the ADA?**

An employer must first determine if a relapse has occurred. To determine if a person has relapsed and whether the person is protected by the ADA requires looking into all of the factors that went into their substance use and whether there is enough objective information to believe that the person's illegal use is a current and ongoing problem. A person whose illegal use of substances is a real and ongoing problem is not protected under the ADA.

If an employer believes that a relapse has occurred, an employer must conduct an individualized assessment. The assessment might include how the substance use was discovered e.g. whether the person self-disclosed, or relapse was determined through a drug test, or there was a request for a leave of absence to pursue treatment. If it is determined that their drug use is current and ongoing then the employer can begin their disciplinary actions.

#### **4. An employee in recovery has to go to a clinic every morning for their daily dose of their prescribed medication as a consequence for losing their prescription. The person is afraid that they could lose their job if they disclose that they are in recovery and in Medication Assisted Treatment (MAT). Does the person have to disclose?**

Probably, an employee may request a reasonable accommodation without disclosing a disability, and some employers will provide a reasonable accommodation without asking questions that will lead to disclosure. However, an employer is permitted to ask questions about the reason for the request, and require medical information if it's not obvious that the person has a disability and/or it's not obvious that the person needs the reasonable accommodation.

#### **5. What are the rights of an employee in recovery in Medication Assisted Treatment (MAT) who needs to go to a clinic every morning during their work shift for their prescription medication?**

Generally, a person in recovery in Medication Assisted Treatment (MAT) is considered a person with a disability. This employee may want to request a reasonable accommodation such as a later start time or a different shift. If the employee's essential job functions could be performed at a later start time or on a different shift, the employer would need to consider the request unless it would cause an "undue hardship" (great difficulty or expense) or a "fundamental

alteration” (a change that is so significant that it alters the essential nature of the goods and services).

## **6. Are contractors covered or protected by the ADA?**

Whether a worker is an employee (covered by the ADA) or an independent contractor (not covered) is fact specific to the situation. The Equal Employment Opportunity Commission’s (EEOC) 15 factors to determine whether a person is an employee or contractor include:

- a) The employer has the right to control when, where, and how the worker performs the job.
- b) The work does not require a high level of skill or expertise.
- c) The employer furnishes the tools, materials, and equipment.
- d) The work is performed on the employer’s premises.
- e) There is a continuing relationship between the worker and the employer.
- f) The employer has the right to assign additional projects to the worker.
- g) The employer sets the hours of work and the duration of the job.
- h) The worker is paid by the hour, week, or month rather than the agreed cost of performing a particular job.
- i) The worker does not hire and pay assistants.
- j) The work performed by the worker is part of the regular business of the employer.
- k) The worker is not engaged in his/her own distinct occupation or business.
- l) The employer provides the worker with benefits such as insurance, leave, or workers’ compensation.
- m) The worker is considered an employee of the employer for tax purposes (i.e., the employer withholds federal, state, and Social Security taxes).
- n) The employer can discharge the worker.
- o) 15. The worker and the employer believe that they are creating an employer-employee relationship.

## **7. How does the ADA apply to people in Medication Assisted Treatment (MAT) who apply for a bus driver position?**

People with prescribed medications such as Suboxone to help manage their addiction are disqualified by Department of Transportation (DOT) regulations from positions that require a Commercial Driver’s License (CDL) to perform the essential functions of the position. There may be other safety sensitive positions in which people in MAT are disqualified by federal or state law.

## **8. Is the use of medical marijuana legal under the ADA?**

No. Marijuana (both medical and recreational marijuana) is illegal under the Federal Controlled Substance Act regardless of whether such use is lawful under a state or local law. Therefore, an individual is disqualified from protection under the ADA involving their use of medical marijuana because this is considered currently engaging in the illegal use of drugs. However, some states have legalized recreational and/or medical marijuana. Check your state law for information about how medical marijuana is treated in your state and whether state law

provides employment protections for employees with disabilities who use medical marijuana to treat their disabilities.

**9. Would a person who has a medical marijuana card from a state in which medical marijuana is legal, be protected if they worked in a neighboring state where medical marijuana is still illegal?**

No. Marijuana (both medical and recreational marijuana) is illegal under the Federal Controlled Substance Act regardless of whether such use is lawful under a state or local law. Therefore, an individual is disqualified from protection under the ADA involving their use of medical marijuana because this is considered currently engaging in the illegal use of drugs. To have protections under state law, the state would have to legalize the use of medical marijuana and provide employment protection under state law for people with disabilities who use medical marijuana. The same holds true if a person lives and works in the same state.

**10. Every job application I have filled out in the past 5 years has a "voluntary" form in addition to the application that asks questions about disability status. Is this legal?**

Employers generally cannot ask about disability on an application or during an interview with one exception. The exception is an “affirmative action policy.” Affirmative action seeks to overturn historical trends of discrimination against an individual because of disabilities or race. It was enacted to provide underrepresented groups a more accurate representation within key roles in government, business and academia. For a disability status question to be allowable in the context of affirmative action, it has to be confidential and voluntary, which means an applicant can opt out of responding. An employer can’t take a negative employment action based on a response or no response.

**11. If a person has a legal prescription for medical marijuana and tests positive on a drug screen, how would the employer know if it is from off-site medical use?**

The ADA does not provide employment protections for employees who use medical marijuana to treat their disabilities, but state law may. If a state law has both legalized the use of medical marijuana for the treatment of a disability and provides employment protections for the use of medical marijuana, the employer should allow the employee to provide documentation. Documentation could include proof of disability and treatment that includes the use of medical marijuana for off-hours and off-site use.

**12. In recovery treatment, the experiences of staff in recovery are valued. Is there an appropriate way to advocate for this diversity of staff while being compliant with ADA?**

An employer can have qualification standards requiring an applicant to have lived experience in recovery. There’s no ADA issue for valuing staff in recovery. Employers can have any qualifications they want. If the qualification standard screens out or tends to screen out people with disabilities it must be “job related and consistent with business necessity.” A qualification standard that screens in people with particular disabilities does not have to be job related and consistent with business necessity.

**13. A person applied for a security job. He was offered the job, conditional on a background check. His job offer was rescinded when the employer found out the applicant had received treatment in a psychiatric hospital. Is this a violation of the ADA?**

It depends. An employer can condition a job offer on a completion of a medical exam. If a job offer is rescinded, the employer would have to base the decision on business necessity. An employer would need to conduct an individualized assessment of the safety concern and ask: is there a safety concern; what is the nature and severity of risk; how likely is it to occur; and are there reasonable accommodations to mitigate the risk. To rescind a position, an employer would have to show that the person is a direct threat to themselves or others or unable to perform one or more essential functions with or without reasonable accommodation.

**14. A person in Medication Assisted Treatment (MAT) was not hired on the basis of their prescription medication (e.g., Suboxone) found through a drug test. The position was stocking shelves. Is this a violation of the ADA?**

If the employer takes a negative employment action based on a prescribed medication, it is potentially disability discrimination under the ADA. The employer should give the applicant an opportunity to provide documentation of disability and treatment for their disability.

**15. Is there a list of safety sensitive jobs?**

The Equal Employment Opportunity Commission has not provided a comprehensive list of safety sensitive jobs, but jobs that require a Commercial Driver's License (CDL) per the Department of Transportation (DOT) are commonly mentioned as being safety sensitive. Whether a job is safety sensitive or not, an employer may evaluate the possibility of an employee's inability or impaired ability to perform job duties.

**16. When interviewing a person for a Peer Recovery Coach position, can an employer ask if the applicant is in recovery, and for how long?**

An employer cannot ask about disability, including recovery status on the application or during an interview. After a job offer is made, but before the first day of work, the employer can ask disability-related questions and require a medical exam as long as they ask all employees in the same job category for this information. This is true even if the employer argues that personal recovery is an occupational qualification.

**17. What happens when a person with Attention-Deficit/Hyperactivity Disorder (ADHD) fails a pre-employment drug test due to the amphetamines in their prescription medication?**

The employer should give the person an opportunity to provide documentation of disability and treatment for that disability before taking any negative employment action. To rescind a position, an employer would have to show that the person is a direct threat to themselves or others or unable to perform one or more essential functions with or without reasonable accommodation.

**18. During job interviews, if the interviewee brings up a disability or identifies as a person in recovery, can the interviewer ask follow-up questions?**

No, the employer cannot ask disability-related questions on the application or during the interview even if the applicant discloses that they have a disability. An employer may ask an applicant with a known disability if they can perform the job with or without reasonable accommodations. The employer should save disability-related questions until after a job offer is made, but before the first day of employment. If an applicant voluntarily discloses that they need a reasonable accommodation to perform the job, an employer may ask what type of reasonable accommodation would be needed.

**19. An employee is inebriated at work; the employer gives the employee a written warning. The employee informs the employer that he is addicted to alcohol (a disability under the ADA). Does the employer have to withdraw the written warning?**

An employer does not have to withdraw a written warning because they can establish job tasks, performance standards, and a code of conduct necessary for the operation of the business. These requirements must be applied to all employees, including employees with disabilities. An employer may give a written warning per their policy or procedure even if the behavior is a result of an employee's disability.

**20. When an employer advertises a position seeking Peer Recovery Coaches, can the employer require a coach to be in recovery for a specific amount of time of two or three years?**

An employer can set any qualification standard as long as they can show the qualification is "job related and consistent with business necessity." If the qualification standard screens out or tends to screen out people with disabilities it must be job related and consistent with business necessity. Since the qualification of being in recovery for a specific amount of time of two or three years may screen out people in recovery (people with disabilities) who have not been in recovery for a specific amount of time the qualification standard must be "job related and consistent with business necessity."

**21. Does my manager have the right to know about my previous drug use? Isn't that private information?**

Very limited. A manager may be briefed about any approved accommodation that they must carry out, but should not be informed about private medical information. Disability-related information gathered through a medical exam or through the employer's reasonable accommodation process cannot be kept in an employee's personnel file. Disability-related information must be kept in a separate, secured location.

## State and Local Government

### **22. You reference that the ADA applies to state and local governments. Does it apply to federal government services?**

No, the ADA does not apply to the federal government because one of the United States first civil rights laws, Section 504 of the Rehabilitation Act of 1973 applies to the federal government and any entity that receives federal monies.

### **23. Are there differences in how federal and state law treat the use of medical marijuana?**

One of the biggest and most discussed difference between federal and state law involves the use of medical marijuana. Under federal law, all marijuana use including use of medical marijuana is illegal. However, some states have legalized medical marijuana use. This juxtaposition between federal and state law causes the most confusion in the employment setting.

State law may or may not allow for medical marijuana use during off-hours and off-site locations as a reasonable accommodation for employees with disabilities. In states that have legalized the use of medical marijuana and provide employment protections for employees with disabilities who have a prescription/card for medical marijuana, people with disabilities can't be fired solely on the basis of a positive drug test due to that prescribed use. Employer can still enforce code of conduct policies. For clarification, read your state law carefully.

### **24. Can a judge in a Child Protective Services (CPS) case force a parent to come off of their Suboxone/Methadone in order to receive custody of their children?**

No, presentation of disability and treatment are unique to a person that treatment decisions – whether for addiction, multiple sclerosis, or a heart condition – should be made by doctors who specialize in the condition. The judge should not substitute their opinion for a specialist's expertise. The judge must not make custody decisions solely on the basis of a person's prescribed medications. We would recommend that parents who have custody issues due to their disability contact their U.S. Attorney's Office, Civil Rights Unit.

<https://www.justice.gov/usao/us-attorneys-listing>

### **25. Can correctional facilities deny an offender's prescribed medication that is part of their Medication Assisted Treatment (MAT)?**

Prisons and jails are a part of a state or local government corrections program. They have an obligation to provide medical services for people in their care. Staff can't adopt a policy that would deny an offender in MAT access to their legally prescribed medication that treats their addiction (e.g. Suboxone or buprenorphine). Correctional facilities need to provide offenders in recovery their medication in the same way an offender with high blood pressure is provided their high blood pressure medication. Medication can be provided through the prison's medication dispensary. If the prison doesn't have a medication dispensary, staff will need to

consider reasonable modifications such as transporting the offender to a healthcare center that dispenses the medication.

**26. Can the prison parole board require an offender who has a substance use history to take an injection of vivitrol as a condition of parole?**

This is a potential violation of the ADA, but there have not been any court cases addressing this issue at the writing of this FAQ. People in recovery are people with disabilities (history of addiction), and the prison board of parole cannot apply additional eligibility criteria on the basis of their disability. Also, disability-related treatment decisions should be made by a qualified medical physician in conjunction with the person who has disability. The parole board should not substitute their opinion for the specialist's expertise.

**27. I would really like clarification regarding protections for offenders in recovery. I worked in the Department of Corrections for four years, and our local jail has never given offenders the medications they are prescribed for recovery, unless the offender is pregnant.**

This is an unfolding issue in the courts. The Department of Corrections is covered by the ADA and must consider a reasonable modification of policy, practice or procedure, including providing prescribed medications through the dispensary or transporting an offender to a nearby clinic. Offenders with disabilities will have to file complaints with the U.S. Department of Justice or file a private lawsuit to have their rights enforced under the ADA.

**28. When a person in Medication Assisted Treatment (MAT) is either on probation or in jail and seeking an inpatient treatment facility, they are often told to get off the MAT in order to enter treatment. Is this a violation of the ADA?**

Yes, requiring a person to change their treatment plan in order to receive services is a violation of the ADA. A person with a disability can't be denied access to services because of a medication prescribed to treat their disability. A person's medication is specific to the treatment of their disability. Denying someone access to goods and services, because of a medication they are prescribed, is discrimination on the basis of disability. Also, the facility is incorrectly regarding a medication prescribed as part of their MAT as an illegal drug, which is discriminatory.

**29. Can someone taking methadone be denied drug treatment court as an option?**

No, a person in recovery cannot be denied access to drug treatment court solely on the basis of a medication they are prescribed. Methadone is a prescription medication prescribed by a medical professional to treat a disability (addiction). Presentation of disability and treatment are so unique to the person that treatment decisions whether for addiction, multiple sclerosis, or a heart condition should be made by doctors who specialize in the condition. The judge should not substitute their opinion for a specialist's expertise. An individual can't be denied access to the legal process solely on the basis of a prescribed medication.

[Adult Drug Courts and Medication Assisted Treatment for Opioid Dependence](#)

## Shelter, Housing, Recovery Homes and Healthcare

### **30. Can a public housing authority adopt policies that deny leases to people based on drug possession or distribution convictions?**

It depends. The housing authority may establish necessary criteria, including around a person's criminal record but "must be able to prove that excluding someone with a prior conviction is necessary to achieve a substantial, legitimate, nondiscriminatory interest. To do this, a housing provider must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and/or property and criminal conduct that does not." The housing authority must conduct an individualized assessment, including the nature and severity of the crime and how much time has passed.

It's important to remember that minorities and people with disabilities are overrepresented in the prison population and face barriers to reentry once they have completed their sentences. Housing authorities must be conscious when establishing policies and guard against unintentional bias or purposeful discrimination. Overly broad criminal screening policies and blanket exclusions are discriminatory.

[Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions](#)

[How Criminal Background Checks Can Prevent People With Disabilities' From Finding Stable Housing](#)

### **31. Can a dry homeless shelter (alcohol and substance free shelter) deny admission to a person who has been drinking even though addiction to alcohol is a disability?**

It depends. Denying someone who has an addiction to alcohol could potentially be discriminatory. Whether someone can stay at the shelter should be based on eligibility criteria such as a code of conduct policy rather than their known addiction to alcohol. For example, a person who is being disruptive in violation of the code of conduct policy does not have to be allowed to stay at the shelter. The shelter does not have to allow the possession or consumption of alcohol onsite.

The shelter cannot "impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from full and equal enjoyment of any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered."

### **32. Can a healthcare facility deny services if a potential patient is in Medication Assisted Treatment (MAT)?**

No, a healthcare facility can't deny services to a patient with a disability (e.g. someone in recovery) because of a medication prescribed to them by their doctor as long as the patient is

otherwise qualified for the services provided by the healthcare facility. Denial of services based on a prescribed medication is disability discrimination. The healthcare facility must admit the patient and allow them to continue to take their prescribed medications (e.g. Suboxone) while they are a patient.

**33. A person can't be denied access to a recovery home or other healthcare services because they are in Medication Assisted Treatment (MAT), but can they be denied admission because they are prescribed other medications that are considered addictive e.g. Adderall?**

No, a person with a disability can't be denied access to services because of a medication prescribed to treat their disability. A person's medication is so specific to the treatment of their disability that denying someone access to goods and services because of a medication they are prescribed is discrimination on the basis of disability. If security is a concern, there are steps that can be taken secure the medication and ensure compliance with the ADA.

**34. Can a medical facility deny admission to someone in Medication Assisted Treatment (MAT) because they do not have the medication onsite (Methadone or Suboxone)?**

No, a medical facility cannot deny admissions to a person with a disability in MAT because they don't have the medication onsite as long as the person is otherwise qualified.

**35. Many recovery homes don't accept patients in Medication Assisted Treatment (MAT). A large recovery home operator runs several homes, but only offers one placement for people in MAT. Is this a violation of the ADA?**

Yes, this is a violation of the ADA. Recovery homes can't deny access or steer a potential resident with a disability (e.g. someone in recovery) on the basis of a disability, as long as the resident is qualified for the services provided by the recovery home. Denial of services based on a prescribed medication is disability discrimination. The recovery home operator must admit the applicant into any home that has a vacancy, and allow them to continue to take their prescribed medications, including Suboxone, while they are a resident.

**36. Just to clarify, private recovery houses or sober homes MUST allow people to take their prescribed medication as part of their Medication Assisted Treatment (MAT)?**

Yes, private recovery homes must admit people in recovery in MAT under the Fair Housing Act (FHA) and/or the ADA. Furthermore, they must allow them to take their medication. A person with a disability can't be denied access to services because of a medication prescribed to treat their disability. A person's medication is specific to the treatment of their disability that denying someone access to goods and services because of a medication they are prescribed is discrimination on the basis of disability.

**37. Recovery homes want to require that people with a prescription for Gabapentin (for anxiety) seek an alternative drug. Recovery home staff are concerned that residents are using it to get high. Is this a violation of the ADA?**

Yes, requiring a person with a disability to switch medication as a condition of admission to the recovery home is a violation of the ADA. A person with a disability can't be denied access to

services because of a medication prescribed to treat their disability. A person's medication is so specific to the treatment of their disability that denying someone access to goods and services because of a medication they are prescribed is discrimination on the basis of disability.

### **38. Can municipalities have zoning laws that keep out recovery homes?**

"The Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate based on characteristics (e.g. disability) protected under the Act. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences. Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes." – State and Local Land Use Laws and Practices and the Application of the Fair Housing Act [factsheet]

[State and Local Land Use Laws and Practices and the Application of the Fair Housing Act](#)

## Businesses and Nonprofits

**39. A drug store will not carry Suboxone. Is this a violation of the ADA?**

No, this is not a violation of the ADA. The ADA does not require a store to carry certain products even if this decision has a greater impact on people with disabilities.

**40. Several pharmacies will not sell syringes. Is this a violation of the ADA?**

No, this is not a violation of the ADA. The ADA does not require a store to carry certain products even if this decision has a greater impact on people with disabilities.

**41. A student enrolled in a graduate school's Addiction Counseling program was denied an internship at a recovery home because she is taking Suboxone. Is this a violation of her rights?**

It depends. It could be a violation of the ADA depending on the reason for the refusal. Some recovery homes do not accept applicants who are in MAT because of the false belief that people who are prescribed Suboxone as part of their recovery are using drugs illegally and take negative actions based on this incorrect belief. Another reason might be the recovery home has a philosophy of medication abstinence. A recovery home should not accept or reject an applicant solely based on their use of a prescribed medication, as such exclusions violate the ADA. The college has an obligation to make sure that its internship placements do not discriminate against students with disabilities. The intern could also contact the Office of Civil Rights at the Department of Education or the Department of Justice if discrimination occurs.

## Miscellaneous

**42. In the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), there is a continuum for people diagnosed with a Substance Use Disorder (SUD). Does every diagnosis of a SUD qualify as a disability?**

Although many people with a SUD diagnosis are people with disabilities as defined by the ADA, it is important to note that a DSM diagnosis and the ADA definition of disability are not interchangeable. To be protected as an individual with a “disability” under the ADA, a person must show that their addiction substantially limits (or limited, in the past) a major life activity (working, learning, concentrating, etc.). SUDs are recognized as impairments that can and do, for many individuals, substantially limit the individual’s major life activities. For this reason, many courts have found that individuals experiencing or who are in recovery from these conditions are individuals with a “disability” protected by the ADA.

**43. Does a person with Substance Use Disorder (SUD) have to have a co-occurring mental health diagnosis to be covered by the ADA?**

No, although people with SUD often have co-occurring disabilities, a mental health disability is not and has never been required in order for a person with SUD to be covered by the ADA. However, a person with a SUD diagnosis must be in recovery and not currently engaging in the illegal use of drugs.

**44. If a person has Alcohol Use Disorder (AUD) and is covered under ADA, would they lose that coverage under the ADA if they are also using cocaine currently?**

Many people have more than one disability. A person would not be protected under the ADA based on their illegal use of drugs, but they would be protected based on their alcohol use disorder. A person with quadriplegia doesn’t lose their ADA protection concerning discrimination based on their quadriplegia, just because they use drugs illegally.

**45. Is there a medical reason for the distinction between protections for people with an alcohol use disorder and people who use drugs illegally?**

No, there is no medical reason for the distinction between addiction to alcohol and addiction to other substances. The distinction is the result of the Controlled Substances Act.

**46. Does ADA National Network technical assistance staff provide legal assistance with filing complaints?**

No, the ADA National Network does not provide legal assistance with filing complaints or legal representation. A person with a disability can file a complaint with the Human Rights Commission in their state, the Equal Employment Opportunity Commission, or the U.S. Department of Justice, depending on the type of discrimination that they face.

**47. Are safe consumption sites allowed under the ADA?**

The U.S. Department of Justice has taken the position that the Controlled Substances Act

prevents the provision of safe consumption sites. The illegal use of drugs is not protected under the ADA.

**48. Is Epidiolex (a cannabis-derived anticonvulsant medication) legal?**

Yes, Epidiolex is a schedule V drug that has been FDA approved in all 50 states for the treatment of seizures. It is derived from cannabidiol (CBD), the chemical component of the Cannabis sativa plant, more commonly known as marijuana. However, CBD does not cause intoxication or euphoria (the “high”) that comes from tetrahydrocannabinol (THC).

[FDA Approves First Drug Comprised of an Active Ingredient Derived from Marijuana to Treat Rare, Severe Forms of Epilepsy](#)