

Medications for Opioid Use Disorder

KNOW YOUR RIGHTS & RESPONSIBILITIES

Substance Use Disorder is a Disability

Discrimination against people with disabilities is unlawful. Substance use disorder is a condition that results in impairment in daily life.* Accordingly, under the Washington Law Against Discrimination ("WLAD"), [RCW 49.60.040\(7\)](#), the definition of "disability" covers substance use disorder.

Excluding Individuals who take Medications for Opioid Use Disorder from Healthcare, Housing, Employment, or Other Services May Be Discriminatory

FDA-approved medications, taken under the supervision of a licensed medical provider, such as buprenorphine, methadone, and naltrexone can be used as effective treatment for opioid use disorder.

Refusing or limiting a person from accessing programs, jobs, housing, or services ("protected activities") because they take prescribed medications for opioid use disorder could violate the WLAD. Similarly, requiring individuals to stop taking or to change their medication for opioid use disorder, as a condition of participating in protected activities that they are otherwise eligible for may be discriminatory.

Is Illegal Drug Use Protected?

No. Disability laws protect individuals in recovery, including those taking medications for opioid use disorder, but current illegal drug use is not considered a disability under Washington law.

Who Must Comply with Anti-Discrimination Laws?

- Businesses that are open to the public, including healthcare providers
- Employers with 8 or more employees
- Most housing providers
- Public agencies, including court systems
- Local governments, including their zoning and land use policies
- Other programs and services involving protected activities



*Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition

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Reasonable Accommodations May Be Required for Individuals taking Medications for Opioid Use Disorder

When businesses, employers, housing providers, and any other individuals or entities required to comply with the WLAD have notice that an individual takes medication for opioid use disorder, they may be required to provide reasonable accommodations.

For example:

- A drug-free housing provider may be required to allow a tenant to possess and use prescribed medication for opioid use disorder so the housing is accessible for the tenant.
- Employers with zero-tolerance drug policies may need to provide accommodations if a drug test detects an employee's prescribed medication for opioid use disorder.

Where Can I Get More Information?

For more information about:

- Civil rights and responsibilities in Washington, refer to the Civil Rights Resource Guide: <https://www.atg.wa.gov/wing-luke-civil-rights-division>
- Federal civil rights protections, visit <https://www.hhs.gov/OCR/opioids>

How Do I Report a Violation?

To make a complaint about discrimination, contact:

- The Washington State Human Rights Commission - Toll Free: 1-800-233-3247, TTY: 1-800-300-7525, or visit www.hum.wa.gov/discrimination-complaint

To make a complaint about access to medical care, including residential treatment and long-term care facilities, contact:

- The Attorney General's Office Consumer Protection Division - Toll Free: 1-800-551-4636, or visit: <https://www.atg.wa.gov/file-complaint>



WASHINGTON STATE
HUMAN RIGHTS COMMISSION
It's Not Justice If It's Not Equal

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