

# Cities can't prosecute for sleeping on streets

Appeals court sides with the homeless

By REBECCA BOONE  
Associated Press

BOISE, Idaho — Cities can't prosecute people for sleeping on the streets if they have nowhere else to go because it amounts to cruel and unusual punishment, a federal appeals court said Tuesday.

The 9th U.S. Circuit Court of Appeals sided with six homeless Boise, Idaho, residents who sued the city in 2009 over a local ordinance that banned sleeping in public spaces. The ruling could affect several other cities across the West that have similar laws.

It comes as many places across the West Coast are struggling with homelessness brought on by rising housing costs and income inequality.

When the Boise lawsuit was filed, attorneys for the homeless residents said as many as 4,500 people didn't have a place to sleep in Idaho's capital city and only about 700 available beds or mats were in homeless shelters. The case bounced back and forth in the courts for years, and Boise modified its rules in 2014 to say homeless residents couldn't be prosecuted for sleeping outside on nights when the local shelters were full.

But that didn't solve the



The entrance to an alley known as Cooper Court, a homeless camp in Boise, Idaho.

Adam Cotterell/Boise State Public Radio

problem, the attorneys said, because Boise's shelters limit the number of days that homeless residents can stay. Two of the city's three shelters require some form of religious participation for some programs, making those shelters unsuitable for people with different beliefs, the homeless residents said.

The three-judge panel for the 9th Circuit found that the shelter rules meant homeless people would still be at risk of prosecution even on days when beds were left open. The judges also said the religious programming woven into

some shelter programs was a problem.

"A city cannot, via the threat of prosecution, coerce an individual to attend religion-based treatment programs consistently with the Establishment Clause of the First Amendment," Judge Marsha Berzon wrote.

The biggest issue was that the city's rule violated the U.S. Constitution's Eighth Amendment against cruel and unusual punishment, the court found.

Berzon wrote that in essence, the Eighth Amendment does three things: It lim-

its the type of punishment the government can impose, it prohibits punishments that are grossly disproportionate to the severity of the crime, and it limits what the government can criminalize.

That third limitation is pertinent in the Boise case, Berzon wrote.

"As a result, just as the state may not criminalize the state of being 'homeless in public places,' the state may not 'criminalize conduct that is an unavoidable consequence of being homeless — namely sitting, lying, or sleeping on the streets,'" Berzon wrote.

the court found.

Neither attorneys for the homeless residents nor for the city immediately returned calls seeking comment.

Other cities have faced similar lawsuits, with varying results.

In 2007, the 9th Circuit ruled in favor of homeless residents of Los Angeles, finding that as long as there are more homeless residents than there are shelter beds, a law outlawing sleeping outside was unconstitutional. Both sides later reached an agreement and the entire case was eventually thrown out.

In 2009, a federal judge said a Portland policy designed to prevent people from sitting or lying on public sidewalks was unconstitutional. Portland officials now must also give campers at least 24 hours' notice before cleaning up or moving unsanctioned camps.

A state judge rejected a similar anti-camping law in Everett, Washington.

Associated Press reporter *Phuong Le* contributed to this story from Seattle.

# Major opioid maker to pay for overdose-antidote development

A low-cost nasal spray

By GEOFF MULVIHILL  
Associated Press

A company whose prescription opioid marketing practices are being blamed for sparking the addiction and overdose crisis says it's helping to fund an effort to make a lower-cost overdose antidote.

OxyContin maker Purdue Pharma announced today that it's making a \$3.4 million grant to Harm Reduction Therapeutics, a Pittsburgh-based nonprofit, to help develop a low-cost naloxone nasal spray.

The announcement comes as lawsuits from local governments blaming Purdue, based in Stamford, Connecticut, and other companies in the drug industry for using deceptive marketing practices to encourage heavy prescribing of the powerful and addictive painkillers. Last week, the number of lawsuits against the industry being overseen by a federal judge topped 1,000.

The Cleveland-based judge, Dan Polster, is pushing the industry to settle with the plaintiffs — mostly local governments and Native American tribes — and with state governments, most of which have sued in state court or are conducting a joint investigation. Hundreds of other local governments are also suing in state courts across the country.

The sides have had regular settlement discussions, but it's not clear when a deal might be struck in the case, which is complicated by the number of parties and questions on how to assign blame.



AP Photo/Douglas Healey

Purdue Pharma, whose prescription opioid marketing practices are being blamed for sparking a nationwide overdose and addiction crisis, says it's helping to fund an effort to make a lower-cost overdose antidote.

**'This grant is one example of the meaningful steps Purdue is taking to help address opioid abuse in our communities.'**

Purdue President and CEO Craig Landau

The Centers for Disease Control and Prevention reported that drug overdoses killed a record 72,000 Americans last year. The majority of the deaths involved opioids. But a growing number of them are from illicit synthetic drugs, including fentanyl, rather than prescription opioids such as OxyContin or Vicodin.

Governments are asking for changes in how opioids are marketed, and for help paying for treatment and the costs of ambulance runs, child welfare systems, jails and other

expenses associated with the opioid crisis.

Polster is expected to rule in the coming weeks on motions from drugmakers, distributors and pharmacies to dismiss the claims. Trials in some of the cases — being used to test issues common to many of them — are now scheduled to begin in September 2019.

Purdue agreed to pay \$634

million in fines back in 2007 to settle charges that the company downplayed the risk of addiction and abuse of its blockbuster painkiller OxyContin starting in the 1990s.

It's facing similar accusations again.

Earlier this year, the privately held company stopped marketing OxyContin to doctors.

The naloxone grant is a way the company can show it's trying to help stem the damage done by opioids. "This grant is one example of the meaningful steps Purdue is taking to help address opioid abuse in our communities," Purdue President and CEO Craig Landau said in a statement.

Naloxone is seen as one major piece in overdose prevention strategies. Over the past several years, most states have eased access to the antidote for laypeople. First responders, drug users and others have taken to carrying naloxone to reverse overdoses. But the price of the drug has been a problem for state and local governments.

Pittsburgh-based Harm Reduction Therapeutics says it is trying to get its version to the market within two years.

"Combating the ongoing crisis of opioid addiction will require innovative approaches to both prevention and medication-assisted treatment," Harm Reduction co-founder and CEO Michael Hufford said in a statement, "but it all starts with making sure lives are not lost from overdose."

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**Q: Now that I am pregnant, my gums are more sensitive and bleed more easily. Why?**

**A:** The body during pregnancy is going through many hormonal changes and a common side effect is sensitive or inflamed gums. Meticulous oral hygiene and brushing is very important during this time to keep gums healthy and reduce chance of infection getting into the mothers bloodstream. Women who take proper oral hygiene measures and have a nutritious diet are more likely to avoid gum problems.

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**Q: My computer is slower than it used to be!**

**A:** Moore's Law (the number of transistors in circuitry doubles every 2 years) means newer computers are faster than old ones. Designers of web sites & programs strive to utilize that extra performance. After 3 cycles of Moore's Law (6 years) older computers have trouble keeping up. Software can help you keep up. Use CCleaner and Glary Utilities (free versions) available at our web site, AstoriasBest.com. Click on the Recommended Software link at the top of our page.

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**Q: Muscle spasms can be a thing of the past.**

**A:** Charlie horses in the leg, facial tics and back spasms are all deficiency symptoms — muscles are irritated and working too hard — they don't have the nutrients they need. Muscles need calcium, magnesium and Vitamin D taken together. Seventy-six percent of Americans are deficient in those nutrients. People may be OK until an injury when the increased activity in the hurt area causes the deficiency symptoms. It is easy and quick to correct. Time of day and dosage are important and need to be adjusted until the spasms stop. If you need help figuring this out, call Dr. Sears.

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