



HOUSING DENIED:

QUANTIFYING THE IMPACTS OF THE THURMOND AMENDMENT IN PENNSYLVANIA

ISSUED BY THE PHILADELPHIA DISTRICT
ATTORNEY'S OFFICE | OCTOBER 2026

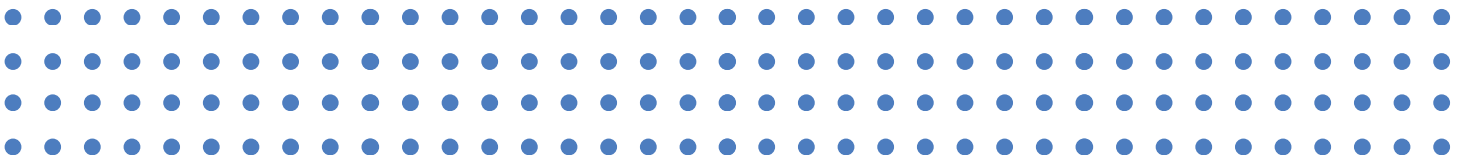
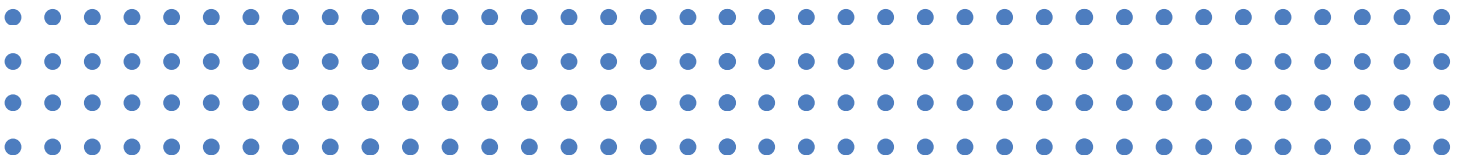


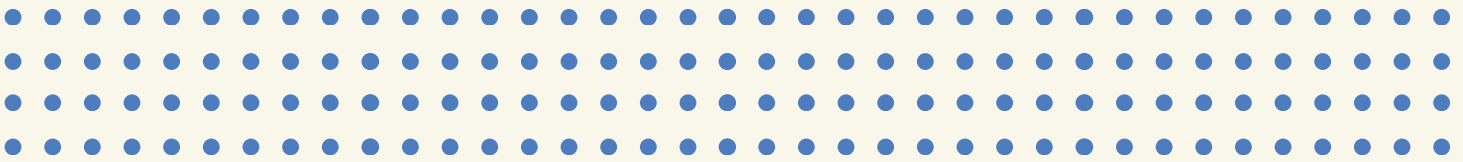
Table of Contents

- 01.** Key Takeaways
- 02.** Letter from District Attorney Larry Krasner
- 04.** Introduction
- 05.** The Fair Housing Act of 1968
- 06.** The Thurmond Amendment
 - a.** Addressing the Problem
 - b.** Repercussions of the Thurmond Amendment
- 11.** Methodology and Limitations
- 13.** Drug Selling Convictions in PA
- 16.** Defendant Demographics
- 18.** Conclusion
- 18.** Acknowledgements
- 19.** Appendix
 - a.** Thurmond - Eligible Statutes in PA
 - b.** Representation Type
 - c.** Footnotes



Key Takeaways

- A 1988 amendment to the Fair Housing Act known as the Thurmond Amendment enables landlords to deny housing to individuals convicted of selling and manufacturing drugs. Efforts are underway at state and federal levels to repeal this amendment, and the lifetime of discrimination it conveys. It is unknown how many people have been denied housing under Thurmond, but national estimates of potentially impacted individuals tops three million.
- This report estimates that 91,644 people were convicted of drug selling and manufacturing charges between 2007 and 2025 in Pennsylvania, and could have potentially been denied housing under the Thurmond Amendment. Given the time period constraints and limitations of criminal-legal databases, this is a significant undercounting.
- Thurmond-eligible convictions occur throughout Pennsylvania, and tend to concentrate in the more populated corners of Philadelphia, Pittsburgh, Erie, and Scranton. Convictions in Philadelphia courts accounted for 34% of statewide totals.
- Due to a variety of factors, including shifting legal and cultural landscapes around illegal drugs, Thurmond-eligible convictions have decreased statewide since 2007, with some year-to-year fluctuation. From 2007-2025, an average of 4,824 people have been convicted each year, though the statewide totals have been well below that since 2019.
- Though white and Black people use drugs at similar rates, drug crime enforcement has been targeted in Black and Latinx communities for many decades (see our 2023 Racial Injustice Report). While Black people make up only 10-12% of Pennsylvania's population, Black defendants represented more than 46% of Thurmond-eligible charges during the study's time period.
- Stable housing is a significant predictor of successful reentry. Repealing the Thurmond Amendment is important to public safety, as well as racial and economic justice.



Letter from DA Larry Krasner:

Stable housing is one of the strongest predictors of successful reentry and reduced recidivism. The Thurmond Amendment of 1988, a line in the Fair Housing Act allowing lawful discrimination by landlords against people convicted of drug selling or manufacturing, was authored and championed by a staunch segregationist at the height of the War on Drugs. Despite social progress in the nearly 40 years since, this law remains on the books and continues to impact an untold number of people today.

This is a law that permanently disqualifies people from housing protections based on certain drug convictions, regardless of the severity of the offense or the person's rehabilitation since. Rather than contribute positively to healthy communities, this law works directly against the goals of public safety that our office is charged with prioritizing.

This report examines the impact of the Thurmond Amendment on Pennsylvanians convicted of drug-related offenses and finds that nearly 100,000 people in our state have been potentially impacted since 2007 alone. These are not just numbers on a page; these are parents trying to rent an apartment in a safer neighborhood, in a better school district, with enough room for their kids to play. These are essential workers trying to secure housing closer to their jobsite. These are elderly people seeking more accessible housing as they age. A person convicted of a Thurmond-eligible conviction can be denied housing repeatedly throughout their lifetime, and no one is keeping score.

Furthermore, Black Pennsylvanians are dramatically overrepresented among those impacted. This was Senator Strom Thurmond's intention—to maintain housing segregation, legally, under the auspices of punishing drug offenders. Now we know that the War on Drugs was largely rooted in the explicit goal of disrupting civil rights efforts and harming Black and brown communities. All across the country and state, due to aggressive anti-drug policies, charges have been disproportionately inflated and leveled against people of color. The legacy of this Amendment is a stain on our country's civil rights legislation, and must be removed.

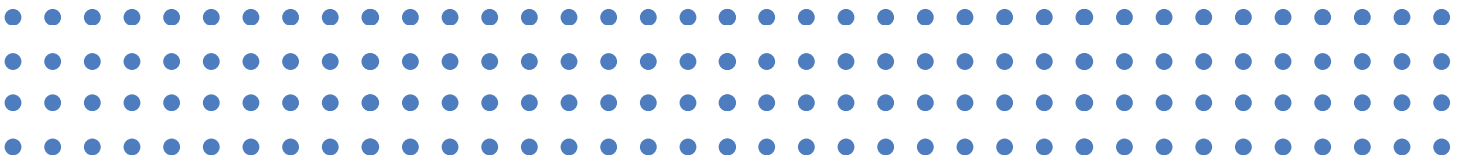
Today, momentum is building to repeal this amendment at the state and federal level. We must seize this opportunity to restore the original spirit of the Fair Housing Act. After that, we must go further and work to uncover the extent of discrimination under Thurmond. We must begin to take proactive steps to provide an equitable, accessible housing market, regardless of past convictions. Without commitment to next steps, repealing the Thurmond Amendment will just sweep our discriminatory past under the rug. Rather, we must accept that our community's wellbeing and our collective safety depends on safe and stable housing for all.



Lawrence S. Krasner
District Attorney of Philadelphia

The Philadelphia District Attorney's Office provides a voice for victims of crime and protects the community through zealous, ethical, and effective investigations and prosecutions. The Philadelphia District Attorney's Office is the largest prosecutor's office in Pennsylvania, and one of the largest in the nation. It serves the more than 1.5 million residents of the City and County of Philadelphia, employing 600 lawyers, detectives, and support staff.

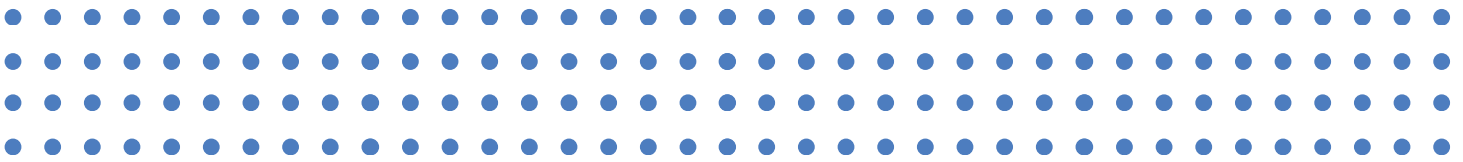
data.philadao.com



Introduction

In the hierarchy of basic human needs, housing ranks highly. Safe and stable housing is a major predictor of success for individuals with past criminal legal involvement, particularly those reentering society after incarceration.⁽¹⁾ Despite the direct ties between housing and public safety, laws targeting past convictions enable discriminatory practices and destabilize communities. Under a 1988 amendment in the Fair Housing Act known as the Thurmond Amendment landlords can deny housing to anyone with a past drug crime conviction, no matter the type or quantity of drugs involved. This collateral consequence is lifelong and far-reaching, preventing individuals from establishing the building blocks of a successful future, increasing likelihood of recidivism, and deteriorating public safety at its foundation. A relic of the War on Drugs, the Thurmond Amendment has impacted an estimated three million Americans convicted of drug crimes since 1988, and likely many more.

Using available data at the state-level, this report seeks to estimate the potential impact of the law on Pennsylvanians, and make a quantitative case for ongoing efforts to repeal the amendment. The following analysis examines arrest and court data on adults charged with violations of state drug crime statutes between 2007 and 2025. Cases are measured by first-known, Thurmond-eligible drug crime convictions in Pennsylvania and are summarized by county and defendant characteristics (age, race, etc.). While it is unknown whether all of the individual defendants identified in this conservative estimate personally experienced discrimination in seeking housing, it can be reasonably concluded that this law has impacted thousands of Pennsylvanians in the nearly 40 years since the amendment's passing.

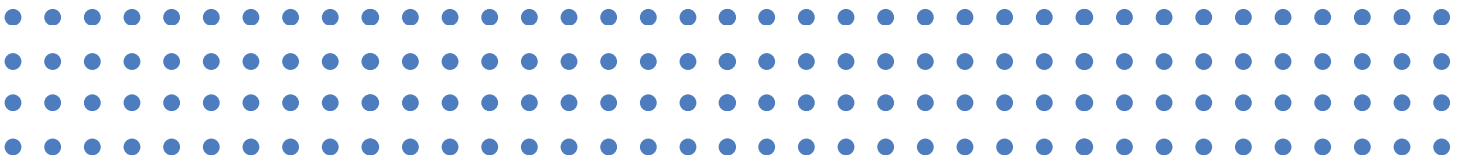


The Fair Housing Act of 1968

In 1968, Congress passed the Fair Housing Act, the last of the 60s-era federal Civil Rights Acts. Expanding upon the 1964 Civil Rights Act and the 1965 Voting Rights Act (which sought to eliminate segregation, prevent employment discrimination, and protect individuals' right to vote), the 1968 Civil Rights Act—known as the Fair Housing Act—sought to combat housing discrimination on the basis of race and religion. This law was intended to address America's highly discriminatory housing market, with persistent segregation entrenched by decades of redlining. Redlining was the practice of the Federal Housing Administration designating neighborhoods as “desirable” or “undesirable” and allowing financial institutions to withhold lending opportunities and other financial benefits to homeowners and buyers in undesirable areas. It was no coincidence that redlined neighborhoods were largely Black, brown, and working-class—the law essentially greenlit racial discrimination in housing. This long-term, systematic disinvestment in communities of color had profound implications that continue to reverberate in formerly redlined areas, which still experience negative socioeconomic outcomes across numerous key metrics.

Within this context, the Fair Housing Act sought to establish protections for every level of the housing market. To accomplish this lofty goal, the Act prohibited discrimination at both the point of sale or rental, and during the financing process. In doing so, the Act sought to protect a person's ability to acquire housing, as well as their ability to access financing (such as home mortgages) necessary to make home ownership possible. The Act also authorized disparate impact litigation, which allows individuals to challenge the validity of laws that produced a discriminatory outcome.

Subsequent amendments sought to expand the Fair Housing Act's protections. In 1974, an amendment was added to prevent discrimination on the basis of sex. And, in 1988, it was again amended to add protections for disabled persons, and to prevent discrimination on the basis of family status. But not all amendments were protective. That same 1988 amendment also saw the addition of the so-called Thurmond Amendment, which, instead of protecting Americans from discrimination, explicitly authorized it.



The Thurmond Amendment

The Thurmond Amendment—codified as 42 U.S.C. § 3607(b)(4)—states that : “Nothing in this subchapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 802 of Title 21.”(2) In plain language, the Amendment stripped the Fair Housing Act’s protections from anyone who had ever been convicted of drug distribution at any level for the remainder of that person’s life.

The Amendment took its name from its primary advocate, a staunch racist and segregationist named Senator Strom Thurmond. In a speech supporting the Amendment, Senator Thurmond said that “drug dealers deserve no federal protection.” Drug statute violations are the only crime type identified by the amendment—no other violent or serious crimes were targeted for housing exclusion in Thurmond’s effort. Despite living until the age of 100 and dying in 2003, Thurmond never publicly renounced his segregationist views. Unfortunately, discriminatory laws are not buried with their authors, and the Senator’s amendment continues to harm individuals and communities today.

The Amendment was passed in the midst of the War on Drugs, whose deeply racist impetus and impact is well-established.(3) Over-zealous legislators passed packages of drug crime laws with enhanced charging schemes such as three-strikes laws and mandatory minimum sentences. As a result, even minor drug crimes resulted in lengthy periods of incarceration and probation, as well as an accompanying suite of collateral consequences, some of which attach to individuals for life. The War on Drugs targeted communities of color, who were making social and economic advancements thanks to years of civil rights organizing. Drug crime policing and prosecution disproportionately impacted Black communities to a severe degree. While the War on Drugs has largely begun to subside, millions of people of color are still bearing the burden—they are still incarcerated, still on probation, still denied housing, or still carrying a broken employment record.



Since the 1988 enactment of the Thurmond Amendment, approximately three million Americans have been convicted of drug crime violations, largely through plea agreement rather than jury trial, and have had their protections under the Fair Housing Act stripped from them.(4) If this Amendment is not repealed, thousands of people will continue to bear this burden and face potential housing discrimination for the remainder of their lives. Worse yet, this does not account for the impact on partners, children, or other family, whose housing is contingent on a landlord or lender's willingness to look past a conviction that is sometimes decades old. These long-lasting, ripple effects mean that one person's conviction can enable multi-generational discrimination.

People who face discrimination in housing face an uphill battle in achieving justice. The Fair Housing Act's protections are typically enforced via lawsuits brought by the harmed parties under two broad categories of claims: 1) a "disparate impact" claim which alleges a policy violates the Fair Housing Act because it disproportionately affects a protected group, and 2) a "disparate treatment" claim which alleges that an individual has been discriminated against in a housing decision because of their membership in a protected group.

Those facing housing discrimination rarely have the resources to retain an attorney to pursue these types of lawsuits. Further, while a landlord or lender can consider a prospective tenant's criminal history and make specific arguments to deny services, the Thurmond Amendment removes the need to provide adequate reasoning for discrimination. In effect, the Thurmond Amendment effectively prevents people convicted of selling drugs from ever raising a disparate treatment claim, while allowing people convicted of violent or sex offenses to continue to do so.

Data on people convicted of selling drugs suggest they may already experience precarity and marginalization. A 2014 study from the National Institute of Justice shows that participation in illegal narcotics sales among at-risk populations typically peaks between the ages of 17-19.(5) Department of Justice data, meanwhile, suggests that a majority of those convicted are themselves experiencing substance use disorder.(6) As a result, the Thurmond Amendment's primary impact has been to inflict a life-long punishment, often on young people who are already struggling. Relatedly, formerly incarcerated people are already ten times as likely to be homeless as those without a conviction.(7) With advancements in technology and landlords' trend towards using algorithmic screening programs based on artificial intelligence (which can flag even expunged or sealed convictions) makes this discrimination essentially impossible to avoid.(8)



Addressing the Problem

Nationally, a coalition of lawmakers have championed the Fair Future Act, which would strike Thurmond’s Amendment from the United States Code.(9) In doing so, it would instantly restore protections to the millions impacted and help prevent future lifelong, ‘lawful’ discrimination. While this would not address the damage already done, it would at least mitigate further damage.

Local lawmakers have also turned their attention to the Amendment’s impact in their own communities. Here in Pennsylvania, state lawmakers recently proposed the Fair Future Act Pennsylvania.(10) Rather than eliminate the Thurmond Amendment entirely, this Act would prevent landlords, sellers, or other “housing providers” from discriminating based on a conviction that was more than seven years old. It would also prevent landlords or sellers from considering sealed or expunged convictions. Notably, however, the Act would not apply to lenders or brokers.

Pennsylvania’s neighboring states have already taken action. New Jersey enacted its Fair Chance in Housing Act in 2021, restricting when and how housing providers may consider an applicant's criminal history and providing applicants an opportunity to present evidence of rehabilitation and other mitigating circumstances.(11) Maryland enacted its Fair Chance Housing Act earlier this year, establishing additional restrictions on criminal-history screening in rental housing (12). While these laws are broader than Pennsylvania's proposed Fair Future Act, which is more narrowly focused on addressing housing barriers associated with the Thurmond Amendment, they reflect a broader regional recognition of the need to expand access to housing and move away from categorical criminal-record exclusions.

Repercussions of the Thurmond Amendment

Shaun Woods | Lehigh County, PA

Shaun Woods is a Lehigh County resident and working father of two. In 2018, he was convicted of manufacturing with intent to deliver, his first adult felony conviction. He received work release and completed his supervision.

Years later, the conviction continued to follow him into the housing market. When Woods attempted to add his name to an apartment lease, he says management told him its policy prohibited someone with a drug selling conviction from living there. He eventually moved out and began looking for landlords willing to consider more than his past.

Today, Woods' two sons live with him, making stable housing even more important. In 2026, he finally found a leasing agent who listened to his circumstances and approved a larger apartment in his own name.

But that stability still feels fragile. Woods worries that if the property changes ownership or his family needs to move again, he could find himself back where he started: searching for someone willing to give him a chance despite a conviction that is already nearly a decade old but, unfortunately, can follow him for the rest of his life.

“How am I supposed to make my kids see better if you keep punishing me for my past? Just give us a second chance.”

– Shaun Woods



Repercussions of the Thurmond Amendment

Tara Bruno | Philadelphia, PA

Tara Bruno is a Philadelphia resident, mother of two, and first-generation college graduate. After earning her GED, she attended community college, received a full scholarship to college and ultimately earned bachelor's and master's degrees.

After her marriage ended, Bruno says she entered an abusive relationship with a man involved with drugs. She describes a relationship marked by violence and threats against her and her children. In 2017, that turbulent period of her life culminated in a felony conviction for possession with intent to distribute.

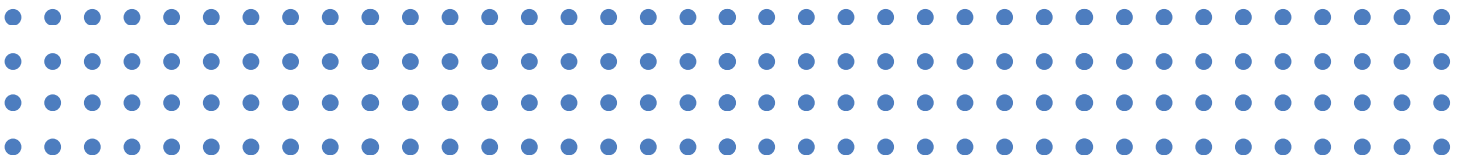
Nearly a decade later, Bruno says that conviction still shapes where she can live. She has experienced landlords rejecting her after background checks and has relied on small landlords, additional deposits, and a cosigner to secure housing.

Today, she lives in a neighborhood where concerns about violence keep her inside after dark. Moving would mean confronting the financial cost and uncertainty of another housing search.

"We tell people if you get an education, if you're a good person, you'll have a fair chance. I've done all those things and I don't get a fair chance."

– Tara Bruno





Methodology & Limitations

It is unknown how many Pennsylvanians have been actively barred from housing under the Thurmond Amendment since its enactment in 1988. However, in order to create an estimate of more recent impacts of the Thurmond Amendment, the District Attorney's Transparency Analytics (DATA) Lab used available data to identify all cases from 2007 through 2025 with a conviction on a charge related to drug selling or manufacture.

Research Methodology

Using court and arrest data, the DATA Lab identified all Pennsylvania-based, adult convictions from 2007–2025 that involved a charge eligible for discrimination under Thurmond. These cases generally include any violations of the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act of 1972, codified in Title 35 P.S. Health and Safety § 780–113 (a) (See Appendix for specific statute clauses). This statute includes charges related to drug sales, manufacturing, distribution, or possession with intent to distribute.

Unique defendants were identified from these cases to quantify the number of individual people potentially impacted by Thurmond statewide. For those with multiple qualifying convictions, a person's first-known conviction was used to count them. Defendants' reported home addresses were used to identify counties and map the geographic districts most impacted by Thurmond across Pennsylvania. Cases were also aggregated by defendant characteristics, and legal representation type (see Appendix).

Data Limitations

Because of the difficulty in measuring discrimination in the behavior of landlords, lenders, and other actors, it is impossible to know the true extent to which Pennsylvanians are denied housing under Thurmond. The counts presented in this report estimate the total number of Pennsylvanians who are potentially impacted due to a past drug selling or manufacturing conviction. However, it is unknown what proportion of these individuals have experienced explicit denial of housing specifically due to these convictions.

Further, available state-level court data for drug selling convictions only dates back to 2007 and only includes Pennsylvania convictions, so individuals with convictions occurring prior to 2007 or in neighboring states will not be included in the counts. This means we are not able to capture the full impact of the Thurmond Amendment, which has been federal law since 1988.



The limited time period of the data may also cause the age distribution of defendants to skew higher. This is because individuals with convictions occurring before 2007 will be shown as having ‘first-known’ convictions occur at a later age than their true first conviction. This may also exaggerate the decline in first-known eligible convictions over time, as the convictions we are able to identify may not be someone’s true first conviction.

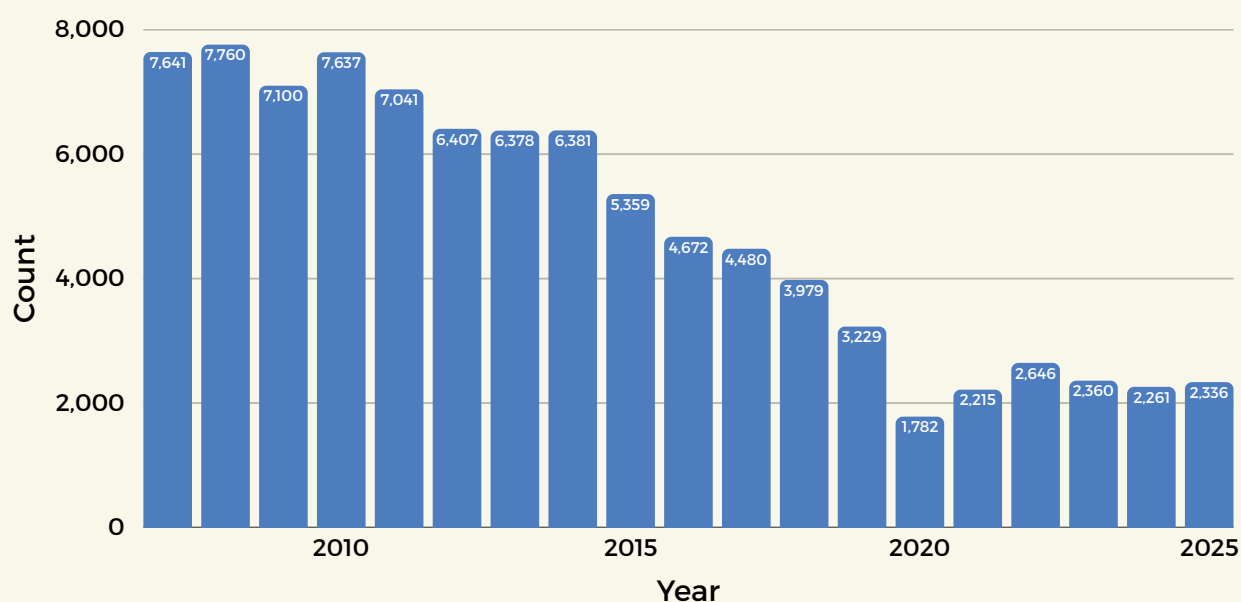
Available data do not include Hispanic/Latinx ethnicity (only race), and records only binary sex categories (not gender). Therefore, it is unknown whether any Latinx defendants were convicted of drug selling charges in this period. It is also unknown whether there were any defendants who identified as something other than male or female. Finally, it is unknown if all these defendants identified within the data are still alive or still living in the Commonwealth. Despite these limitations this analysis of Pennsylvania data is still an important accounting of how the Thurmond Amendment potentially affects Pennsylvania, the fifth-largest state in the US.

Drug Selling Convictions in PA

Individuals convicted of Thurmond-eligible charges have been recorded as living in every county in Pennsylvania. The following figures illustrate counts and characteristics of people convicted of such charges from 2007-2025.

Statewide, there were an estimated 91,664 people convicted of drug selling or manufacturing charges, an average of roughly 4,824 people each year. Of people with Thurmond eligible convictions, 34% received those convictions in Philadelphia courts. While the number of defendants with a first-known conviction has fluctuated year-to-year, total new people with Thurmond-eligible convictions decreased from 2007 to 2019. New convictions dropped dramatically during the COVID-19 pandemic, and despite increasing in recent years, still remain below pre-COVID levels. This downward trend may represent changes in drug selling behavior or changes to policing, prosecution, and court practices and priorities. It may also be due in part to limitations in the data time period mentioned above.

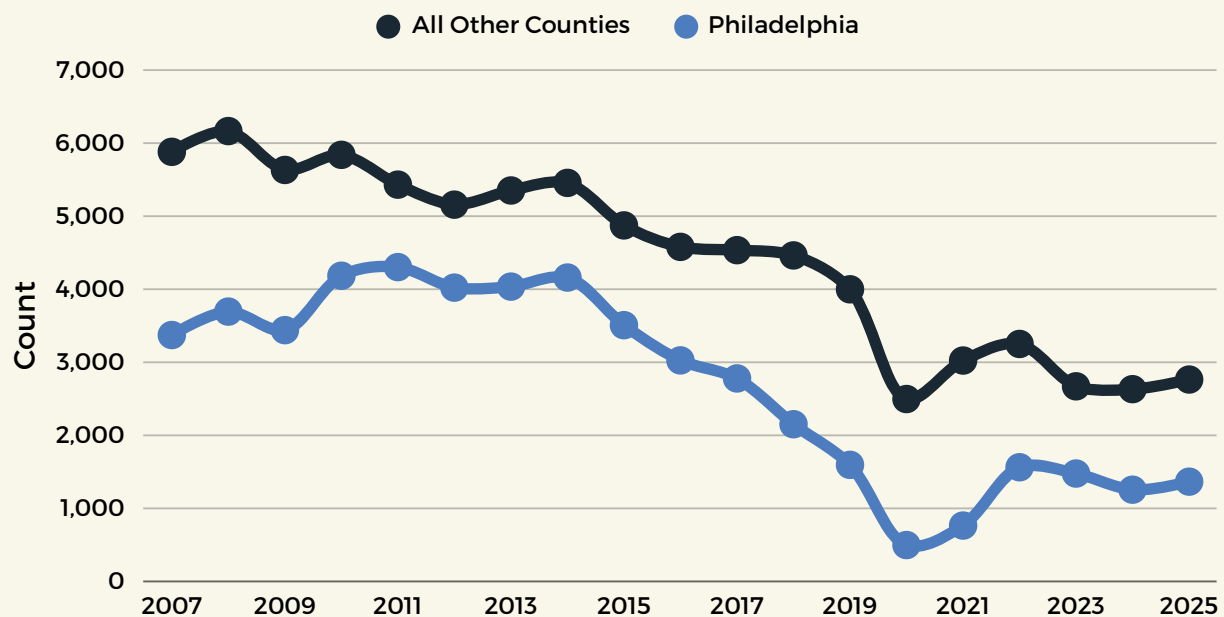
Unique Defendants by First-Known Eligible Conviction (2007-2025)



This graph shows total unique defendants with a first-known, Thurmond-eligible conviction in PA from 2007-2025.

As the most populous county in the state, Philadelphia accounts for the largest total count and proportion of Pennsylvania convictions compared to any other individual county. Across the study time period, Philadelphia county also experienced the largest and most marked decline in these types of convictions. Looking forward from 2007, first-known, Thurmond-eligible convictions peaked in Philadelphia in 2011 at 4,303 cases, with a steep decline between 2014 and 2020. While case totals rose again in the county and statewide, they remain below 2019 totals.

Total Convictions per Year by Pennsylvania County (2007-2025)



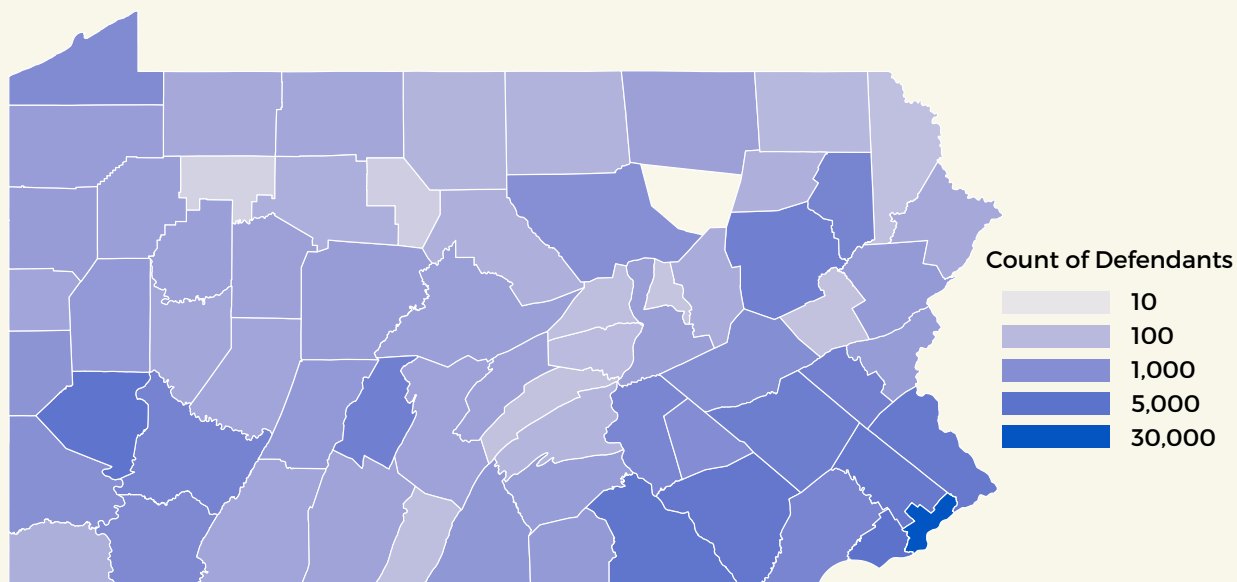
This graph shows total unique defendants with a first-known, Thurmond-eligible conviction in all PA counties from 2007-2025.

Thurmond's Impact Across Pennsylvania

The following maps depict the geographic distribution of the Thurmond Amendment's impact across the Commonwealth. Defendant address data were used to identify and count individuals with first-known, Thurmond-eligible convictions by county. People with convictions for drug selling or manufacturing between 2007-2025 lived in every county in Pennsylvania, with larger total numbers of defendants concentrated in areas of higher population.

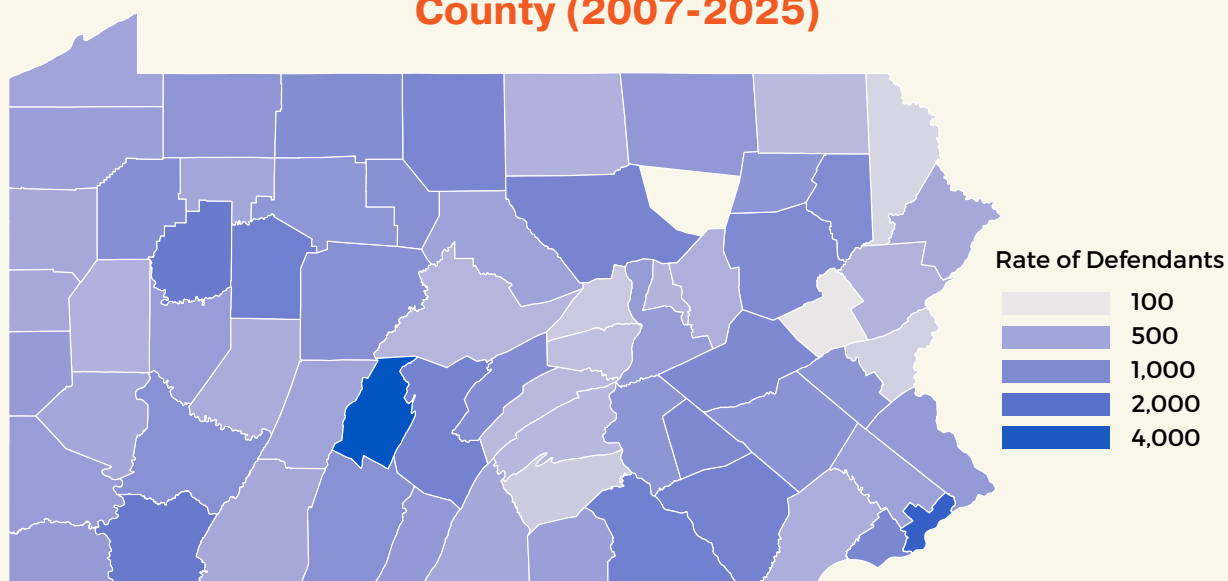
We also examined the proportion of defendants convicted of an eligible offense by calculating the rate of those convicted per 100,000 residents in each county. When accounting for population, Blair County in central Pennsylvania had the highest rate of defendants with eligible offenses with 4,462 per 100,000 residents, or about 2% of the county population. This points to a significant drug supply problem in the county, and its toll is reflected in public health data. Sadly, according to the Pennsylvania Department of Health, the per capita rate of drug-related overdose deaths in Blair County has steadily increased since 2018.

Total Defendants by Pennsylvania County (2007-2025)

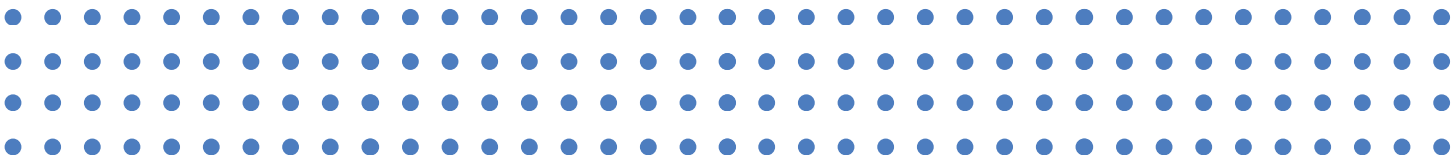


This graph shows total unique defendants with a first-known, Thurmond-eligible conviction in all Pennsylvania counties from 2007-2025.

Defendants per 100k Residents by Pennsylvania County (2007-2025)



This map shows the rate of defendants per 100,000 residents with an eligible drug selling conviction in all Pennsylvania from 2007-2025.



Defendant Demographics

This section describes the race, age, and sex of individuals who were convicted of a Thurmond-eligible charge in Pennsylvania between 2007 and 2025.

Reported Gender of Individuals with Convictions Statewide

In terms of defendant sex, the majority (85%) of defendants convicted of eligible charges were male, while far fewer (15%) were female. This is similar to gender proportions observed in the criminal legal system in general.

Gender	Count	Percent
Male	78,015	85%
Female	13,517	15%
Unreported/Unknown	132	<1%

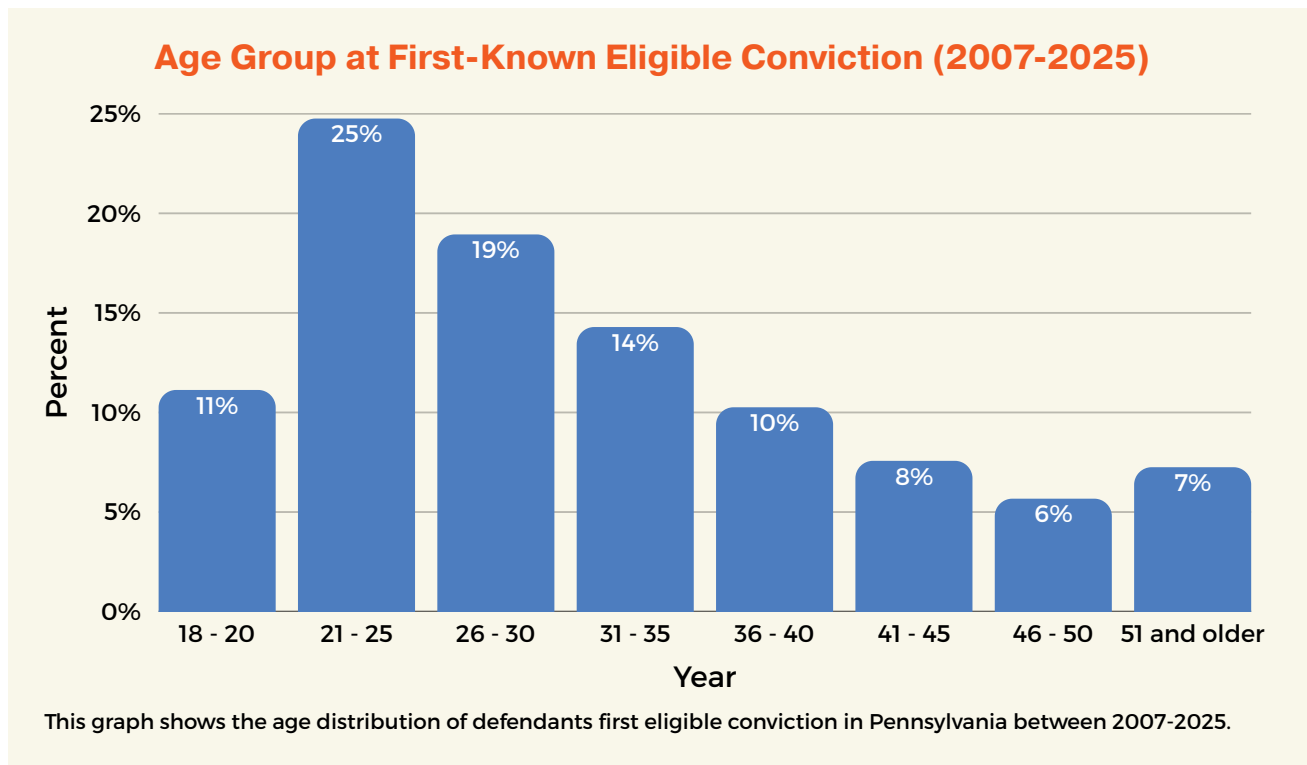
Reported Race of Individuals with Eligible Convictions Statewide

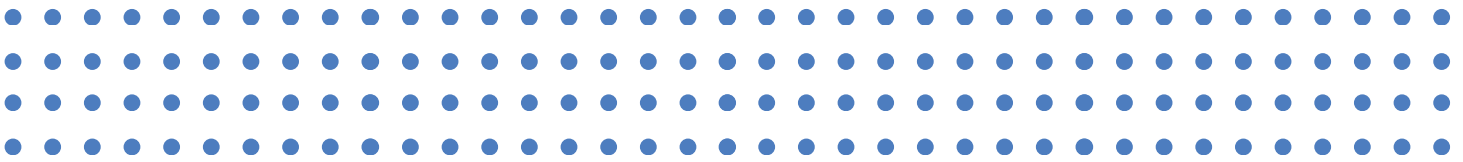
Statewide, just over half (51%) of people with eligible convictions were white, and a little less than half (47%) were Black. Black residents make up only 10–12% of Pennsylvania’s population, meaning they are heavily overrepresented in the state's Thurmond-eligible convictions and therefore uniquely vulnerable to housing discrimination on this basis. Defendants from all other racial groups made up less than 1% of defendants with eligible convictions.

Race	Count	Percent
White	46,893	51%
Black	42,850	47%
Unknown/Unreported	1,199	1%
Some Other Race	722	<1%

Reported Age of Individuals with Eligible Convictions Statewide

Based on available data, the median age at first known, Thurmond-eligible conviction in Pennsylvania was 30 years old, and over a third (36%), of defendants had a first-known conviction at ages 25 or younger. While this falls in line with typical age-crime curves where younger people are more represented in crime statistics, age may also skew slightly older due to data limitations mentioned above. The proportion of defendants continued to decrease as age at first conviction increases.





Conclusion

This report has taken an important initial step towards quantifying the estimated number of individuals potentially impacted by the Thurmond Amendment. Further research is needed, both quantitative and qualitative, to determine how common it is to experience housing discrimination under Thurmond, and what effects that has had across individuals' lives. It will be difficult to fully uncover and untangle the effects of the War on Drugs, the Thurmond Amendment, and other collateral consequences. Like this report, repealing the Thurmond Amendment is just an initial step towards justice. Moving forward, it is important to craft proactive legislation and public programs that promote fair, safe, inclusive housing. The stability of our communities depends on our ability to protect basic civil rights, and removing relics of the past from our legislation is a start.

Acknowledgements

Many dedicated, knowledgeable people who work every day to help identify and address the ramifications of structural racism and the War on Drugs supported the creation of this report. We would like to thank Yusuf Dahl, CEO of The Century Promise and founder of the Real Estate Lab, for his advocacy and efforts to repeal the Thurmond Amendment and for advising on the creation of this report. We share our gratitude to Shaun Woods and Tara Bruno for their willingness to share their stories on how the Thurmond Amendment has impacted them. We would like to thank DAO Assistant District Attorneys Andrew Silva and Shawn Baldwin who supported the legal research and writing on the Thurmond Amendment and National Fair Futures act. Finally, we thank members of the District Attorney's Transparency Analytics (DATA) Lab including primary authors Eliza Ziegler, Wes Weaver, Andrew Silva, and Kate Kelly with support from Arielle Landau, Chloe Desir, CJ Arayata, Betsey Carroll, and Oren Gur.

Appendix 1: Thurmond-Eligible Statutes in PA

The Thurmond Amendment of the Fair Housing Act of 1968 is ambiguous about what is considered an eligible conviction. Because it is a federal law that allows discrimination based on state law, and because state laws vary across the country, we considered Pennsylvania law and chose statutes based on what could be considered eligible under the text of the Amendment. These laws include many of the items in Pennsylvania Statutes Title 35 P.S. Health and Safety § 780-113 subsection A:

Pennsylvania Statutes Considered Eligible Under the Thurmond Amendment	
Title 35 P.S. Health and Safety § 780-113 (a)	
Clause	Description
1	The manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance, other drug, device or cosmetic that is adulterated or misbranded.
8	Selling, dispensing, disposing of or causing to be sold, dispensed or disposed of, or keeping in possession, control or custody, or concealing any controlled substance, other drug, device or cosmetic or any container of any drug, device or cosmetic with knowledge that the trademark, trade name or other identifying mark, imprint or symbol of another, or any likeness of any of the foregoing, has been placed thereon in a manner prohibited by clause (7) hereof.
10	The sale at retail of a nonproprietary drug except by a registered pharmacist in a licensed pharmacy or by a practitioner.
13	The sale, dispensing, distribution, prescription or gift by any practitioner otherwise authorized by law so to do of any controlled substance to any person known to such practitioner to be or whom such practitioner has reason to know is a drug dependent person, unless said drug is prescribed, administered, dispensed or given, for the cure or treatment of some malady other than drug dependency, except that the council, in accordance with Federal narcotic and food and drug laws, shall allocate the responsibility for approving and designating certain clinics, and shall provide or allocate the responsibility for providing regulations for such clinics at which controlled substances, including but not limited to methadone, may be prescribed, administered or dispensed for the treatment of drug dependency. This clause shall not prohibit any practitioner from prescribing, distributing or dispensing any controlled substance for a period of time not to exceed fourteen days pending confirmed admission of the patient to a hospital or rehabilitation center.



14	The administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner or professional assistant under the practitioner's direction and supervision unless done (i) in good faith in the course of his professional practice; (ii) within the scope of the patient relationship; (iii) in accordance with treatment principles accepted by a responsible segment of the medical profession.
15	The sale at retail or dispensing of any controlled substance listed in Schedules II, III and IV to any person, except to one authorized by law to sell, dispense, prescribe or possess such substances, unless upon the written or oral prescription of a person licensed by law to prescribe such drug and unless compounded or dispensed by a registered pharmacist or pharmacy intern under the immediate personal supervision of a registered pharmacist, or the refilling of a written or oral prescription order for a drug, unless such refilling is authorized by the prescriber either in the original written prescription order or by written confirmation of the original oral prescription order. The provisions of this subsection shall not apply to a practitioner licensed to prescribe or dispense such drugs, who keeps a record of the amount of such drugs purchased and a dispensing record showing the date, name, and quantity of the drug dispensed and the name and address of the patient, as required by this act.
17	The wilful dispensing of a controlled substance by a practitioner otherwise authorized by law so to do without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the practitioner, the date dispensed, the name of the patient and the directions for the use of the drug by the patient.
25	The manufacture of a controlled substance by a registrant who knows or who has reason to know, the manufacturing is not authorized by his registration, or who knowingly distributes a controlled substance not authorized by his registration to another registrant or other authorized person.
26	The knowing distribution by a registrant of a controlled substance classified in Schedules I or II, except pursuant to an order form as required by this act.
27	The use in the course of the manufacture or distribution of a controlled substance of a registration number which is fictitious, revoked, suspended, or issued to another person.
30	Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.



33	The delivery of, possession with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it would be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this act.
35	Except as otherwise provided by law, manufacturing, processing, packaging, distributing, possessing with intent to distribute or selling a noncontrolled substance that has a stimulant or depressant effect on humans, other than a prescription drug, which, or the label or container of which, substantially resembles a specific controlled substance.
36	The knowing or intentional manufacture, distribution, possession with intent to distribute, or possession of a designer drug. Nothing in this section shall be construed to apply to a person who manufactures or distributes a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 355). For purposes of this section, no new drug shall be introduced or delivered for introduction except upon approval of an application pursuant to section 505 of the Federal Food, Drug and Cosmetic Act.

Appendix 2: Representation Type

In criminal proceedings, defendants have a right to counsel to represent them. If a defendant cannot afford a privately hired attorney, the court must appoint one to represent them. Court-appointed attorneys may be public defenders or, in counties without public defender offices, private defense attorneys who work for a fee paid by the court (referred to as “Court Appointed Counsel” below). Defendants may have multiple representation types over the course of a case.

Defendants charged with Thurmond-eligible charges were most frequently represented by just public defenders (38% of defendants had a public defender). A quarter of defendants had private counsel (25%) for the duration of their case. Just over a quarter (27%) of defendants had more than one representation type over the course of their case. The rest (10%) of the defendants had court-appointed counsel.

Representation Type	Count	Percent
Public Defender	102,043	38%
Mixed Representation	71,261	27%
Private Counsel	67,205	25%
Court-Appointed Counsel	27,323	10%

To understand the association between representation type and likelihood of conviction, we measured the conviction rate just for defendants who had one type of representation throughout the life of their case. Defendants who could afford private counsel were convicted of Thurmond eligible charges in a less than half (45%) of cases. Defendants who relied solely on publicly provided counsel fared just slightly worse, experiencing convictions about half of the time (49–51% across both types). From the data, it is unclear whether the relatively small differences in conviction rates are related to the differences in representation or other case or defendant characteristics.

Defendant Representation Type	Convictions	Non-Convictions	Conviction Rate
Public Defender	49,563	47,854	51%
Court Appointed Counsel	13,147	13,557	49%
Private Counsel	28,659	35,744	45%

Footnotes

1. Burrowes, K. (2019, February 27). Can housing interventions reduce incarceration and recidivism?. Housing Matters—an Urban Institute Initiative. <https://archive-housingmatters.urban.org/articles/can-housing-interventions-reduce-incarceration-and-recidivism/>
2. Fair Housing, 42 U.S.C. §§ 3607 (1988).
3. Ghandnoosh, N. (2023, December 7). One in Five: Racial Disparity in Imprisonment — Causes and Remedies. The Sentencing Project. <https://www.sentencingproject.org/reports/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/#race-neutral-laws-and-policies>
4. Sawyer, W. (2025, February 5). Estimating the impact: How many people are excluded from Fair Housing protections because of a past drug conviction?. Prison Policy Initiative. <https://www.prisonpolicy.org/blog/2025/02/05/drug-conviction-housing/>
5. National Institute of Justice. (2014, March 10). From Youth Justice Involvement to Young Adult Offending. <https://nij.ojp.gov/topics/articles/youth-justice-involvement-young-adult-offending>
6. Bronson, J., Stroop, J., Zimmer, S., Berzofsky, M. (2017). Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007–2009. (NCJ 250546). U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/dudaspi0709.pdf>
7. Couloute, L. (2018, August). Nowhere to Go: Homelessness among formerly incarcerated people. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>
8. AI + Tenant Screening. (2025, March 25). The Leadership Conference on Civil and Human Rights. <https://civilrights.org/resource/ai-tenant-screening/>
9. Fair Future Act, H.R. 7765, 119th Cong. (2025–2026). <https://www.congress.gov/bill/119th-congress/house-bill/7765/text>
10. Fair Future Act Pennsylvania, HB 1492, 2025–2026 Reg. Session (Pa. 2026). <https://www.palegis.us/legislation/bills/2025/hb1492>
11. Fair Chance in Housing (2026). State of New Jersey Division of Civil Rights. <https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/know-the-law/fair-chance-in-housing-act/>
12. Bryant, E., (2026, June 4). Maryland Takes Significant Step Toward Fair Housing for People Returning from Incarceration. Vera Institute of Justice. <https://www.vera.org/news/maryland-takes-significant-step-toward-fair-housing-for-people-returning-from-incarceration>