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NEWS

DEPARTMENT OF JUSTICE SUES SFX ENTERTAINMENT OVER BAN ON DIABETIC EQUIPMENT

By Molly Mack

SFX Entertainment, Inc., which does business as Clear Channel Entertainment, owns and operates 110 venues throughout the United States and is the world's largest concert promoter. SFX has a company-wide policy that prohibits medication, including diabetic supplies, from being carried into concerts.

SFX enforced this policy against two individuals with diabetes by refusing to allow them to bring supplies into a concert. Their refusal to change their policy or to participate in a voluntary settlement agreement resulted in a lawsuit filed in April 2002 by the Department of Justice ("DOJ") in the U.S. District Court for the Eastern District of Pennsylvania for violation of the Americans with Disabilities Act ("ADA").

Title III of the ADA prohibits places of public accommodation from discriminating against people with disabilities either by refusing to admit them or by neglecting to install ramps and elevators. Places of public accommodation are defined as those that affect commerce. 42 USCS §12101 (1990). Illinois law further prohibits places of public accommodation from refusing to

allow people with disabilities to participate in activities within their venues. SFX's arenas fall into the category of places of public accommodation because they affect commerce. However, SFX believes that they have justification for their policy that

"Title III of the ADA prohibits places of public accommodation from discriminating against people with disabilities either by refusing to admit them or by neglecting to install ramps and elevators. Places of public accommodation are defined as those that affect commerce."

may negate any claim by the DOJ.

SFX owns the Tweeter Center, an entertainment venue outside of Chicago. Tweeter Center staff enumerated the reasons behind SFX's policy, all of which they feel answer to the greater good – public safety. First, needles are often used

to inject illegal drugs. Second, needles can be used as a weapon either against people in the crowd or a performer. Third, needles transfer blood and can therefore carry the AIDS virus.

SFX staff support this policy and argues that it actually supports public safety during concerts. "The proper disposal of a syringe or needle is a public safety concern," states Public Relationship Director Howard Schacter. "We believe our policy does comply with the [ADA]. It is our understanding that the [ADA] allows latitude when public safety risks may apply."

The DOJ and diabetes advocates disagree. Seventeen million people in the United States have some form of diabetes. In order to monitor and control their blood sugar, people with diabetes depend on a variety of medical equipment and supplies. These supplies both test blood sugar and inject insulin using lancets or needles. Diabetics also depend on the delivery of insulin at specific times, which means that many people keep their supplies with them at all

Continued on Page 38.