

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0587.02 Jerry Barry x4341

HOUSE BILL 16-1068

HOUSE SPONSORSHIP

Lundeen, Carver

SENATE SPONSORSHIP

Lambert,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF METHADONE TREATMENT
102 FACILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law requires the unit within the department of human services that administers behavioral health programs and services (unit) to establish standards for facilities that treat drug abusers or dispense controlled substances to drug abusers. The bill requires additional standards for methadone treatment facilities, including minimum distances for such facilities from schools, colleges, and residential child

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

care facilities and a disclosure of infractions by the owner of the facility, its holding company, or other facilities under the holding company. If infractions are disclosed, the unit shall determine whether the public interest requires denial of an application or other remedial action.

The bill also specifies that a methadone treatment facility is not a medical clinic for zoning purposes.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 27-82-103, **add** (1.5)
3 as follows:

4 **27-82-103. Standards for public and private treatment**
5 **facilities - fees - enforcement procedures - penalties.** (1.5) (a) IN
6 ADDITION TO THE STANDARDS ESTABLISHED PURSUANT TO SUBSECTION (1)
7 OF THIS SECTION, THE UNIT SHALL ESTABLISH ADDITIONAL STANDARDS
8 FOR TREATMENT FACILITIES THAT OFFER OUTPATIENT SERVICES THAT
9 INCLUDE DISPENSING METHADONE IN THE TREATMENT, MAINTENANCE, OR
10 DETOXIFICATION OF PERSONS. THE STANDARDS MUST INCLUDE:

11 (I) A REQUIREMENT THAT SUCH A TREATMENT FACILITY APPROVED
12 ON OR AFTER JANUARY 1, 2016, SHALL NOT BE LOCATED WITHIN ONE
13 THOUSAND FEET OF A PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR
14 HIGH, OR HIGH SCHOOL; THE PRINCIPAL CAMPUS OF A COLLEGE,
15 UNIVERSITY, OR SEMINARY; A RESIDENTIAL CHILD CARE FACILITY; OR A
16 PUBLIC PARK; AND

17 (II) A REQUIREMENT THAT THE TREATMENT FACILITY DISCLOSE TO
18 THE UNIT ALL INFRACTIONS IN THIS STATE OR ANOTHER STATE BY THE
19 OWNER OF THE TREATMENT FACILITY, ITS HOLDING COMPANY, OR ANY
20 OTHER ENTITY UNDER THE HOLDING COMPANY, INCLUDING BUT NOT
21 LIMITED TO EXCESSIVE COUNSELOR CASELOADS, INADEQUATE TREATMENT
22 PLANS FOR CLIENTS, OR FAILURE TO FULLY ACCOUNT FOR ALL

1 CONTROLLED SUBSTANCES. A DISCLOSURE MUST INCLUDE ANY
2 INFRACTIONS OCCURRING WITHIN THE PREVIOUS THREE YEARS FOR AN
3 INITIAL APPLICATION AND FOR EACH RENEWAL AND WITHIN THIRTY DAYS
4 AFTER DISCOVERY OF ANY NEW INFRACTION.

5 (b) IF IN AN APPLICATION THE FACILITY DISCLOSES INFRACTIONS
6 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
7 (1.5), THE UNIT SHALL DENY THE APPLICATION OR RENEWAL UNLESS THE
8 UNIT DETERMINES THAT, DESPITE THE INFRACTIONS, THE APPROVAL IS IN
9 THE PUBLIC INTEREST DUE TO LACK OF CAPACITY AT ALTERNATIVE
10 FACILITIES IN THE AREA. IF A FACILITY DISCLOSES A NEW INFRACTION, THE
11 UNIT SHALL INVESTIGATE TO DETERMINE WHETHER THE PUBLIC INTEREST
12 REQUIRES THAT THE APPROVAL BE SUSPENDED, REVOKED, LIMITED, OR
13 RESTRICTED. PRIOR TO MAKING THE DETERMINATION REQUIRED BY THIS
14 PARAGRAPH (b), THE UNIT SHALL CONDUCT A PUBLIC HEARING AND
15 SOLICIT PUBLIC INPUT ON THE ISSUE OF PUBLIC INTEREST.

16 **SECTION 2.** In Colorado Revised Statutes, 31-23-303, **add** (2.5)
17 as follows:

18 **31-23-303. Legislative declaration.** (2.5) (a) FOR PURPOSES OF
19 THIS SUBSECTION (2.5), "METHADONE TREATMENT FACILITY" MEANS A
20 FACILITY APPROVED BY THE DEPARTMENT OF HUMAN SERVICES AS A
21 TREATMENT FACILITY PURSUANT TO SECTION 27-82-103, C.R.S., THAT
22 OFFERS OUTPATIENT SERVICES THAT INCLUDE THE DISPENSING OF
23 METHADONE IN THE TREATMENT, MAINTENANCE, OR DETOXIFICATION OF
24 PERSONS.

25 (b) THE GENERAL ASSEMBLY DECLARES THAT THE ESTABLISHMENT
26 OF METHADONE TREATMENT FACILITIES IS A MATTER OF STATEWIDE
27 CONCERN. UNLESS APPROVED BY THE GOVERNING BODY OF A

1 MUNICIPALITY, A METHADONE TREATMENT FACILITY SHALL NOT BE
2 CONSIDERED A MEDICAL CLINIC FOR ZONING PURPOSES.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.