

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0573.02 Kip Kolkmeier x4510

SENATE BILL 17-082

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SENATE SPONSORSHIP

Lambert,

HOUSE SPONSORSHIP

Lundeen,

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Senate Committees

Health & Human Services

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF METHADONE TREATMENT  
102 FACILITIES.

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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://leg.colorado.gov>.)*

Current law requires the department of human services to establish standards for facilities that treat drug abusers or dispense controlled substances to drug abusers. This authority includes standards for methadone treatment facilities.

The bill defines methadone treatment facilities, removes regulatory authority over methadone treatment facilities from the department of

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.*

human services, and authorizes regulatory authority of methadone treatment facilities by the department of public health and environment.

The bill requires additional standards for methadone treatment facilities, including minimum distances for such facilities from schools, colleges, residential child care facilities, and public parks, and a disclosure of infractions by the owner of the facility, its holding company, and any other entity under the holding company. When infractions are disclosed, the department must 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-1.5-103, **amend**  
3 (1)(a)(I)(A); and **add** (2)(e) as follows:

4 **25-1.5-103. Health facilities - powers and duties of department**  
5 **- limitations on rules promulgated by department - definitions.**

6 (1) The department has, in addition to all other powers and duties  
7 imposed upon it by law, the powers and duties provided in this section as  
8 follows:

9 (a) (I) (A) To annually license and to establish and enforce  
10 standards for the operation of general hospitals, hospital units as defined  
11 in section 25-3-101 (2), psychiatric hospitals, community clinics,  
12 rehabilitation hospitals, convalescent centers, community mental health  
13 centers, METHADONE TREATMENT FACILITIES, acute treatment units,  
14 facilities for persons with intellectual and developmental disabilities,  
15 nursing care facilities, hospice care, assisted living residences, dialysis  
16 treatment clinics, ambulatory surgical centers, birthing centers, home care  
17 agencies, and other facilities of a like nature, except those wholly owned  
18 and operated by any governmental unit or agency.

19 (2) For purposes of this section, unless the context otherwise

1 requires:

2 (e) "METHADONE TREATMENT FACILITY" MEANS A FACILITY THAT  
3 OFFERS OUTPATIENT SERVICES THAT INCLUDES THE DISPENSING OF  
4 METHADONE IN THE TREATMENT, MAINTENANCE, OR DETOXIFICATION OF  
5 INDIVIDUALS.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1.5-107.5 as  
7 follows:

8 **25-1.5-107.5. Standards for methadone treatment facilities -**  
9 **fees - enforcement procedures - penalties.** (1) IN ADDITION TO ANY  
10 OTHER REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR THE  
11 LICENSURE AND OPERATION OF METHADONE TREATMENT FACILITIES, THE  
12 DEPARTMENT SHALL REQUIRE THAT:

13 (a) A METHADONE TREATMENT FACILITY APPROVED ON OR AFTER  
14 JANUARY 1, 2018, NOT BE LOCATED WITHIN ONE THOUSAND FEET OF A  
15 PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL;  
16 THE PRINCIPAL CAMPUS OF A COLLEGE, UNIVERSITY, OR SEMINARY; A  
17 RESIDENTIAL CHILD CARE FACILITY; OR A PUBLIC PARK; AND

18 (b) A METHADONE TREATMENT FACILITY DISCLOSE TO THE  
19 DEPARTMENT ALL INFRACTIONS IN THIS STATE OR ANOTHER STATE BY THE  
20 OWNER OF THE TREATMENT FACILITY, ITS HOLDING COMPANY, AND ANY  
21 OTHER ENTITY OWNED OR CONTROLLED BY THE HOLDING COMPANY. THE  
22 INFRACTIONS THAT MUST BE SO REPORTED INCLUDE, WITHOUT LIMITATION,  
23 EXCESSIVE COUNSELOR CASELOADS, INADEQUATE TREATMENT PLANS FOR  
24 CLIENTS, AND FAILURE TO FULLY ACCOUNT FOR ALL CONTROLLED  
25 SUBSTANCES. A DISCLOSURE MUST INCLUDE ANY INFRACTIONS OCCURRING  
26 WITHIN THE PREVIOUS THREE YEARS FOR AN INITIAL APPLICATION AND FOR  
27 EACH RENEWAL AND WITHIN THIRTY DAYS AFTER DISCOVERY OF ANY NEW

1       INFRACTION.

2           (2) IF, IN AN APPLICATION FOR INITIAL LICENSING OR FOR  
3 RENEWAL, THE METHADONE TREATMENT FACILITY DISCLOSES  
4 INFRACTIONS PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, THE  
5 DEPARTMENT SHALL DENY THE APPLICATION FOR INITIAL LICENSING OR  
6 RENEWAL UNLESS THE DEPARTMENT DETERMINES THAT, DESPITE THE  
7 INFRACTIONS, APPROVAL OF THE APPLICATION IS IN THE PUBLIC INTEREST  
8 DUE TO LACK OF CAPACITY AT ALTERNATIVE FACILITIES IN THE AREA. IF  
9 A LICENSED FACILITY DISCLOSES A NEW INFRACTION, THE DEPARTMENT  
10 SHALL INVESTIGATE TO DETERMINE WHETHER THE PUBLIC INTEREST  
11 REQUIRES THAT THE FACILITY'S LICENSE BE SUSPENDED, REVOKED,  
12 LIMITED, OR RESTRICTED. BEFORE MAKING THE DETERMINATION REQUIRED  
13 BY THIS SUBSECTION (2), THE DEPARTMENT SHALL CONDUCT A PUBLIC  
14 HEARING AND SOLICIT PUBLIC INPUT ON WHETHER THE PUBLIC INTEREST  
15 REQUIRES LICENSE SUSPENSION, REVOCATION, LIMITATION, OR  
16 RESTRICTION.

17           **SECTION 3.** In Colorado Revised Statutes, 27-82-103, **amend**  
18 (1) as follows:

19           **27-82-103. Standards for public and private treatment**  
20 **facilities - fees - enforcement procedures - penalties.** (1) In accordance  
21 with ~~the provisions of this article~~ THIS ARTICLE 82, the unit shall establish  
22 standards for approved treatment facilities that receive public funds or  
23 that dispense controlled substances or both. The standards shall be met for  
24 a treatment facility to be approved as a public or private treatment facility.  
25 The unit shall fix the fees to be charged for the required inspections. The  
26 fees that are charged to approved treatment facilities that provide level I  
27 and level II programs as provided in section 42-4-1301.3 (3)(c) ~~C.R.S.~~,

1 shall be transmitted to the state treasurer, who shall credit the fees to the  
2 alcohol and drug driving safety program fund created in section  
3 42-4-1301.3 (4)(a). ~~C.R.S.~~ The standards may concern only the health  
4 standards to be met and standards of treatment to be afforded patients and  
5 shall reflect the success criteria established by the general assembly. THIS  
6 ARTICLE 82 DOES NOT APPLY TO METHADONE TREATMENT FACILITIES  
7 LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
8 UNDER ARTICLE 1.5 OF TITLE 25.

9 **SECTION 4.** In Colorado Revised Statutes, 31-23-303, **add** (2.5)  
10 as follows:

11 **31-23-303. Legislative declaration.** (2.5) (a) FOR PURPOSES OF  
12 THIS SUBSECTION (2.5), "METHADONE TREATMENT FACILITY" MEANS A  
13 FACILITY LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH AND  
14 ENVIRONMENT AS A FACILITY THAT OFFERS OUTPATIENT SERVICES THAT  
15 INCLUDES THE DISPENSING OF METHADONE IN THE TREATMENT,  
16 MAINTENANCE, OR DETOXIFICATION OF INDIVIDUALS.

17 (b) THE GENERAL ASSEMBLY DECLARES THAT THE ESTABLISHMENT  
18 OF METHADONE TREATMENT FACILITIES IS A MATTER OF STATEWIDE  
19 CONCERN. UNLESS APPROVED BY THE GOVERNING BODY OF A  
20 MUNICIPALITY, A METHADONE TREATMENT FACILITY SHALL NOT BE  
21 CONSIDERED A MEDICAL CLINIC FOR ZONING PURPOSES.

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