

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0573.02 Kip Kolkmeier x4510 & Christy Chase x2008 **SENATE BILL 17-082**

SENATE SPONSORSHIP

Lambert,

HOUSE SPONSORSHIP

Lundeen,

Senate Committees
Health & Human Services

House 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://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.

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

2 **SECTION 1. In Colorado Revised Statutes, 27-80-207, add (5)**
3 **as follows:**

4 **27-80-207. Qualifications for license. (5) IN ADDITION TO ANY**
5 **OTHER APPLICABLE REQUIREMENT, THE DEPARTMENT SHALL REQUIRE AN**
6 **APPLICANT FOR INITIAL LICENSURE UNDER THIS PART 2 TO SUBMIT ALL OF**
7 **THE FOLLOWING:**

8 **(a) FOR EACH OWNER OR CHIEF EXECUTIVE OFFICER OF THE**
9 **APPLICANT ENTITY, A COMPLETE SET OF FINGERPRINTS TO THE**
10 **DEPARTMENT. THE DEPARTMENT SHALL SUBMIT THE FINGERPRINTS TO THE**
11 **COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING**
12 **FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO**
13 **BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE**
14 **FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING**
15 **FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE**
16 **DEPARTMENT MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD**
17 **CHECK FOR AN OWNER OR CHIEF EXECUTIVE OFFICER OF AN APPLICANT**
18 **ENTITY WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL**
19 **HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.**

1 THE DEPARTMENT SHALL USE THE INFORMATION RESULTING FROM THE
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE
3 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
4 LICENSE PURSUANT TO THIS PART 2. THE DEPARTMENT MAY VERIFY THE
5 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE APPLICANT
6 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
7 CRIMINAL HISTORY RECORD CHECKS TO THE COLORADO BUREAU OF
8 INVESTIGATION.

9 (b) INFORMATION DISCLOSING THE APPLICANT'S PROGRAMS
10 LICENSED OR REGULATED BY ANY OTHER STATE AND ANY REGULATORY
11 ACTION TAKEN AGAINST THE APPLICANT IN ANY OTHER STATE.

12 **SECTION 2. In Colorado Revised Statute, 27-80-210, add (6) as**
13 **follows:**

14 **27-80-210. Records to be kept - order forms - website posting.**

15 (6) WITH REGARD TO EACH ADDICTION PROGRAM LICENSED BY THE
16 DEPARTMENT, THE DEPARTMENT SHALL FACILITATE THE POSTING ON A
17 PUBLIC WEBSITE AND UPDATE AT LEAST ANNUALLY THE FOLLOWING
18 INFORMATION:

19 (a) THE LOCATION OR LOCATIONS WHERE THE PROGRAM IS
20 OPERATED AND THE HOURS OF OPERATION; AND

21 (b) CONTACT INFORMATION FOR THE PROGRAM, INCLUDING A
22 PHONE NUMBER AND E-MAIL ADDRESS.

23 **SECTION 3. In Colorado Revised Statutes, add 27-80-210.5 as**
24 **follows:**

25 **27-80-210.5. Report - repeal. (1) ON OR BEFORE JANUARY 1,**
26 **2019, THE DEPARTMENT SHALL PREPARE AND SEND A WRITTEN REPORT ON**
27 **TREATMENT PROVIDERS LICENSED PURSUANT TO THIS PART 2 TO THE JOINT**

1 BUDGET COMMITTEE, THE PUBLIC HEALTH CARE AND HUMAN SERVICES
2 COMMITTEE IN THE HOUSE OF REPRESENTATIVES, AND THE HEALTH AND
3 HUMAN SERVICES COMMITTEE IN THE SENATE, OR THEIR SUCCESSOR
4 COMMITTEES. THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION
5 REGARDING EACH ENTITY LICENSED TO PROVIDE TREATMENT OF
6 SUBSTANCE USE DISORDERS PURSUANT TO THIS PART 2:

7 (a) THE ENTITY'S NAME, LOCATION, AND CONTACT INFORMATION;

8 (b) THE TYPE OF LICENSE ISSUED, LICENSING STATUS, AND THE
9 EXPIRATION DATE OF THE LICENSE; AND

10 (c) THE NAME AND CONTACT INFORMATION OF THE OWNER OR
11 CHIEF OPERATING OFFICER.

12 (2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019.

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect July 1, 2018; except that, if a referendum petition is filed
15 pursuant to section 1 (3) of article V of the state constitution against this
16 act or an item, section, or part of this act within the ninety-day period
17 after final adjournment of the general assembly, then the act, item,
18 section, or part will not take effect unless approved by the people at the
19 general election to be held in November 2018 and, in such case, will take
20 effect on the date of the official declaration of the vote thereon by the
21 governor.