

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**BILLPAPER**

LLS NO. 16-0587.02 Jerry Barry x4341

**HOUSE BILL**

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**HOUSE SPONSORSHIP**

**Lundeen**, Carver

**SENATE SPONSORSHIP**

**Lambert**,

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**House Committees**

**Senate 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://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.

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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.