S T A T E O F N E W Y O R K

94

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to the location of methadone treatment centers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The mental hygiene law is amended by adding a new section 22.13 to read as follows:

S 22.13 LOCATION OF METHADONE TREATMENT CENTERS.

(A) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS CHAPTER OR OTHER PROVISION OF LAW, RULE OR REGULATION, NO METHADONE TREATMENT CENTER SHALL BE ESTABLISHED, APPROVED, MAINTAINED OR CONTINUED WHICH SHALL BE WITHIN A RADIUS OF FIVE HUNDRED FEET OF A BUILDING OCCUPIED AS A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION AT THE SECONDARY LEVEL OR BELOW, DAY-CARE CENTER, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP UNLESS LOCATED IN A HOSPITAL; THE MEASUREMENTS TO DETERMINE SUCH DISTANCE SHALL BE TAKEN IN A STRAIGHT LINE FROM THE CENTER OF THE NEAREST ENTRANCE OF SUCH PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, DAY-CARE CENTER, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE CENTER OF THE NEAREST ENTRANCE OF SUCH METHADONE TREATMENT CENTER.

(B) WITHIN THE CONTEXT OF THIS SECTION, THE WORD "ENTRANCE" SHALL MEAN A DOOR OF A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, OF A DAY-CARE CENTER, OF A HOUSE OF WORSHIP, OR OF SUCH METHADONE TREATMENT CENTER REGULARLY USED TO GIVE INGRESS TO STUDENTS, TO THE PARENTS AND CHILDREN OF THE DAY-CARE CENTER, TO THE GENERAL PUBLIC ATTENDING THE PLACE OF WORSHIP, AND TO ANY DRUG DEPENDENT PERSONS BEING TREATED AT SUCH METHADONE TREATMENT CENTER; EXCEPT THAT, WHERE A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, DAY-CARE CENTER OR HOUSE OF WORSHIP IS SET BACK FROM A PUBLIC THOROUGHFARE, THE WALKWAY OR STAIRS LEADING TO ANY SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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DOOR SHALL BE DEEMED AN ENTRANCE AND THE MEASUREMENT SHALL BE TAKEN TO THE CENTER OF THE WALKWAY OR STAIRS AT THE POINT WHERE IT MEETS THE BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR WHICH HAS NO EXTERIOR HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY OR FIRE EXIT OR FOR MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A PART OF A BUILDING NOT REGULARLY USED BY SUCH DRUG DEPENDENT PERSONS SHALL NOT BE DEEMED AN "ENTRANCE".

S 2. This act shall take effect seven months after it shall have become a law.