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2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MAISEL, BOYLAND, ROBINSON, COOK, ZEBROWSKI, LANCMAN -- Multi-Sponsored by -- M. of A. BRADLEY, HYER-SPENCER, PHEFFER, WEISENBERG -- read once and referred to the Committee on Alcoholism and Drug Abuse

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:

1 Section 1. The mental hygiene law is amended by adding a new section
2 22.13 to read as follows:
3 S 22.13 LOCATION OF METHADONE TREATMENT CENTERS.
4 (A) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS CHAPTER OR OTHER
5 PROVISION OF LAW, RULE OR REGULATION, NO METHADONE TREATMENT CENTER
6 SHALL BE ESTABLISHED, APPROVED, MAINTAINED OR CONTINUED WHICH SHALL BE
7 WITHIN A RADIUS OF FIVE HUNDRED FEET OF A BUILDING OCCUPIED AS A PUBLIC
8 OR PRIVATE EDUCATIONAL INSTITUTION AT THE SECONDARY LEVEL OR BELOW,
9 DAY-CARE CENTER, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP UNLESS
10 LOCATED IN A HOSPITAL; THE MEASUREMENTS TO DETERMINE SUCH DISTANCE SHALL
11 BE TAKEN IN A STRAIGHT LINE FROM THE CENTER OF THE NEAREST ENTRANCE OF
12 SUCH PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, DAY-CARE CENTER, CHURCH,
13 SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE CENTER OF THE NEAREST
14 ENTRANCE OF SUCH METHADONE TREATMENT CENTER.
15 (B) WITHIN THE CONTEXT OF THIS SECTION, THE WORD "ENTRANCE" SHALL
16 MEAN A DOOR OF A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, OF A
17 DAY-CARE CENTER, OF A HOUSE OF WORSHIP, OR OF SUCH METHADONE TREATMENT
18 CENTER REGULARLY USED TO GIVE INGRESS TO STUDENTS, TO THE PARENTS AND
19 CHILDREN OF THE DAY-CARE CENTER, TO THE GENERAL PUBLIC ATTENDING THE
20 PLACE OF WORSHIP, AND TO ANY DRUG DEPENDENT PERSONS BEING TREATED AT
21 SUCH METHADONE TREATMENT CENTER; EXCEPT THAT, WHERE A PUBLIC OR PRIVATE
22 EDUCATIONAL INSTITUTION, DAY-CARE CENTER OR HOUSE OF WORSHIP IS SET BACK
23 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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1 DOOR SHALL BE DEEMED AN ENTRANCE AND THE MEASUREMENT SHALL BE TAKEN TO
2 THE CENTER OF THE WALKWAY OR STAIRS AT THE POINT WHERE IT MEETS THE
3 BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR WHICH HAS NO EXTERIOR
4 HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY OR FIRE EXIT OR FOR
5 MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A PART OF A BUILDING
6 NOT REGULARLY USED BY SUCH DRUG DEPENDENT PERSONS SHALL NOT BE DEEMED AN
7 "ENTRANCE".

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