

9145

I N A S S E M B L Y

January 27, 2012

Introduced by M. of A. TITONE -- read once and referred to the Committee
on Mental Health

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, PARK, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP
10 UNLESS LOCATED IN A HOSPITAL; THE MEASUREMENTS TO DETERMINE SUCH
11 DISTANCE SHALL BE TAKEN IN A STRAIGHT LINE FROM THE CENTER OF THE NEAR-
12 EST ENTRANCE OF SUCH PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, DAY-CARE
13 CENTER, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE CENTER OF THE
14 NEAREST 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
24 DOOR SHALL BE DEEMED AN ENTRANCE AND THE MEASUREMENT SHALL BE TAKEN TO
25 THE CENTER OF THE WALKWAY OR STAIRS AT THE POINT WHERE IT MEETS THE
26 BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR WHICH HAS NO EXTERIOR
27 HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY OR FIRE EXIT OR FOR
28 MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A PART OF A BUILDING

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

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1 NOT REGULARLY USED BY SUCH DRUG DEPENDENT PERSONS SHALL NOT BE DEEMED AN
2 "ENTRANCE".
3 S 2. This act shall take effect seven months after it shall have
4 become a law.