

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

1625--A

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged and said bill committed to the Committee on Alcoholism and Drug Abuse -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 EDUCATIONAL INSTITUTION, DAY-CARE CENTER OR HOUSE OF WORSHIP IS SET BACK
2 FROM A PUBLIC THOROUGHFARE, THE WALKWAY OR STAIRS LEADING TO ANY SUCH
3 DOOR SHALL BE DEEMED AN ENTRANCE AND THE MEASUREMENT SHALL BE TAKEN TO
4 THE CENTER OF THE WALKWAY OR STAIRS AT THE POINT WHERE IT MEETS THE
5 BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR WHICH HAS NO EXTERIOR
6 HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY OR FIRE EXIT OR FOR
7 MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A PART OF A BUILDING
8 NOT REGULARLY USED BY SUCH DRUG DEPENDENT PERSONS SHALL NOT BE DEEMED AN
9 "ENTRANCE".

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