

SENATE BILL 769

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2004 Regular Session
4r1156
CF 4r0330

By: **Howard County Senators**

Introduced and read first time: February 12, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County - Methadone Treatment Facility - Establishment or**
3 **Operation**

4 FOR the purpose of prohibiting in Howard County the establishment or operation of
5 a certain methadone treatment facility within a certain distance of certain
6 locations except under certain circumstances; requiring a certain hearing under
7 certain circumstances; defining certain terms; providing for the application of
8 this Act; and generally relating to methadone treatment facilities in Howard
9 County.

10 BY adding to

11 Article - Health - General

12 Section 8-406

13 Annotated Code of Maryland

14 (2000 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 8-406.

19 (A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.

20 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "METHADONE TREATMENT FACILITY" MEANS A DRUG ABUSE
23 TREATMENT PROGRAM THAT ADMINISTERS METHADONE IN THE TREATMENT,
24 MAINTENANCE, OR DETOXIFICATION OF INDIVIDUALS.

25 (3) "NOTICE" MEANS PUBLICATION IN A LOCAL NEWSPAPER OF
26 GENERAL CIRCULATION.

1 (C) THIS SECTION DOES NOT APPLY TO A METHADONE TREATMENT FACILITY
2 THAT WAS CERTIFIED BY THE DEPARTMENT PRIOR TO MAY 1, 2004.

3 (D) A METHADONE TREATMENT FACILITY MAY NOT BE ESTABLISHED OR
4 OPERATED WITHIN 1,000 FEET OF AN EXISTING:

5 (1) SCHOOL; OR

6 (2) RESIDENTIAL HOUSING AREA.

7 (E) (1) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF THE
8 COUNTY GOVERNING BODY, BY RESOLUTION OR ORDINANCE, APPROVES THE
9 ESTABLISHMENT OR OPERATION OF THE METHADONE TREATMENT FACILITY AT THE
10 PROPOSED LOCATION IN ACCORDANCE WITH THE PUBLIC HEARING PROVISIONS IN
11 PARAGRAPH (2) OF THIS SUBSECTION, THEN THE METHADONE TREATMENT FACILITY
12 MAY BE ESTABLISHED OR OPERATED AT THAT LOCATION.

13 (2) (I) AT LEAST 21 DAYS BEFORE A VOTE ON A RESOLUTION OR
14 ORDINANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION, OR PRIOR TO THE
15 ESTABLISHMENT OR OPERATION OF A METHADONE TREATMENT FACILITY, THE
16 COUNTY GOVERNING BODY SHALL HOLD ONE OR MORE PUBLIC HEARINGS
17 REGARDING THE LOCATION OF THE PROPOSED METHADONE TREATMENT FACILITY.

18 (II) AT LEAST 30 DAYS PRIOR TO A PUBLIC HEARING HELD UNDER
19 THIS PARAGRAPH, THE PROPONENTS OF THE METHADONE TREATMENT FACILITY
20 SHALL GIVE NOTICE OF THE HEARING TO ALL OWNERS OF REAL PROPERTY LOCATED
21 WITHIN 1,000 FEET OF THE PROPOSED LOCATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 2004.