

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1120 (Delegate McDonough, *et al.*)
Health and Government Operations

**Task Force to Study the Impact of Methadone Clinics on Surrounding
Communities and Businesses**

This bill establishes a Task Force to Study the Impact of Methadone Clinics on Surrounding Communities and Businesses staffed by the Department of Legislative Services (DLS) and the Department of Health and Mental Hygiene (DHMH). The task force must report its findings and recommendations to the Governor and the General Assembly by December 1, 2004.

The bill takes effect July 1, 2004 and terminates December 31, 2004.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for DLS and DHMH are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In general, county and local jurisdictions implement zoning ordinances. In certain circumstances, such as providing for public utilities, State law may preempt local zoning requirements. State law does not regulate where drug treatment programs may be located. A drug abuse treatment program is any individual or organization that

provides treatment, care, or rehabilitation for individuals who show the effects of drug abuse, and represents or advertises itself as a drug abuse treatment program. This includes a program or facility owned or operated by the State or any of its political subdivisions. It does not include drug abuse programs run by hospitals, or support groups such as Narcotics Anonymous.

The Baltimore County Council adopted a bill (Bill No. 39-02) on April 1, 2002 that prohibits a State-licensed medical clinic from locating within 750 feet of any residentially zoned property line. The council's bill defines a State-licensed medical clinic as: (1) a freestanding ambulatory care facility licensed by the State; (2) a detoxification facility certified by the State; or (3) an alcohol abuse and drug abuse treatment program certified by the State.

The U.S. District Court of Maryland enjoined the county from enforcing the zoning ordinance in an August 30, 2002 decision against Smith-Berch, a treatment program, citing a July 2000 ruling that Baltimore County's denial of a zoning permit for a methadone treatment program violated the federal Americans with Disabilities Act and the due process clause of the Fourth Amendment. There is pending litigation by two companies (Start, Inc. and A Helping Hand, LLC) challenging Baltimore County's zoning ordinances.

Background: Methadone is a synthetic narcotic used to treat people addicted to heroin, morphine, and other opiates. Methadone, taken once daily, suppresses narcotic withdrawal.

There are approximately 45 methadone clinics in Maryland: 20 in Baltimore City; 4 each in Anne Arundel, Montgomery, and Prince George's counties; 3 in Baltimore County; 2 each in Harford and Howard counties; and 1 each in Carroll, Cecil, Charles, Frederick, Washington, and Wicomico counties. About 64,000 people entered methadone maintenance treatment in fiscal 2002 and 5,100 were discharged from these programs.

In fiscal 2002, 428 persons were admitted to methadone detoxification treatment (treatment with the objective of reducing the toxins in a patient's body). In that same year, 387 individuals were discharged from this type of treatment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2004
mam/jr

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