

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1138 (Howard County Delegation)
Health and Government Operations

Howard County - Methadone Treatment Facility - Establishment or Operation

This bill prohibits the establishment or operation of a methadone treatment facility certified by the Department of Health and Mental Hygiene (DHMH) within 1,000 feet of an existing school or residential housing area in Howard County. This does not apply to a facility certified by DHMH before May 1, 2004. Notwithstanding this general prohibition, the Howard County governing body may approve such a facility if it holds one or more public hearings at least 21 days before the vote on whether to approve or reject the establishment or operation of a methadone treatment facility. At least 30 days before a hearing, facility proponents must notify all real property owners within 1,000 feet of the proposed location of the hearing through a notice published in a general circulation local newspaper.

The bill takes effect June 1, 2004.

Fiscal Summary

State Effect: None.

Local Effect: The bill would not materially affect Howard County operations or finances.

Small Business Effect: Potential meaningful to the extent clinics must pay higher rent as a result of this bill.

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: SB 769 (Howard County Senators) – Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - February 23, 2004
ncs/jr

Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510