

# HOUSE BILL 35

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(PRE-FILED)

8lr0997  
CF SB 19

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By: **Delegates Schuh, Love, Kipke, Dwyer, V. Clagett, George, King, McConkey, Costa, Pena-Melnyk, Barnes, Frush, Sophocleus, and Beidle**

Requested: November 6, 2007

Introduced and read first time: January 9, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Limitations on Methadone and Other Opioid**  
3 **Treatment Facilities**

4 FOR the purpose of prohibiting in Anne Arundel County the establishment or  
5 operation of a certain opioid treatment facility within a certain distance of  
6 certain locations except under certain circumstances; defining a certain term;  
7 providing for the application of this Act; and generally relating to opioid  
8 treatment facilities in Anne Arundel County.

9 BY adding to  
10 Article – Health – General  
11 Section 8–406  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2007 Supplement)

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

16 **Article – Health – General**

17 **8–406.**

18 **(A) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

19 **(B) IN THIS SECTION, “OPIOID TREATMENT FACILITY” MEANS A DRUG**  
20 **ABUSE TREATMENT PROGRAM THAT ADMINISTERS METHADONE, OPIATE, OR**  
21 **OPIATE REPLACEMENT IN THE TREATMENT, MAINTENANCE, OR**  
22 **DETOXIFICATION OF INDIVIDUALS.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(C) THIS SECTION DOES NOT APPLY TO:**

2                   **(1) AN OPIOID TREATMENT FACILITY THAT WAS CERTIFIED BY**  
3 **THE DEPARTMENT BEFORE JANUARY 1, 2008; OR**

4                   **(2) A DRUG ABUSE TREATMENT PROGRAM THAT ADMINISTERS**  
5 **METHADONE OR ANY OTHER OPIATE OR OPIATE REPLACEMENT IN THE**  
6 **TREATMENT, MAINTENANCE, OR DETOXIFICATION OF INDIVIDUALS IF THE**  
7 **PROGRAM IS PROVIDED IN A HOSPITAL LICENSED UNDER TITLE 19 OF THIS**  
8 **ARTICLE OR IN A FACILITY THAT IS OWNED OR OPERATED BY A STATE AGENCY.**

9           **(D) AN OPIOID TREATMENT FACILITY MAY NOT BE ESTABLISHED OR**  
10 **OPERATED WITHIN ONE-HALF MILE OF AN EXISTING:**

11                   **(1) NONCOLLEGIATE EDUCATIONAL INSTITUTION, AS DEFINED IN**  
12 **§ 2-206 OF THE EDUCATION ARTICLE;**

13                   **(2) PUBLIC SCHOOL;**

14                   **(3) CHILD CARE CENTER THAT IS LICENSED BY THE**  
15 **DEPARTMENT OF HUMAN RESOURCES; OR**

16                   **(4) FAMILY DAY CARE HOME THAT IS REGISTERED WITH THE**  
17 **DEPARTMENT OF HUMAN RESOURCES.**

18           **(E) NOTWITHSTANDING SUBSECTION (D) OF THIS SECTION, IF THE**  
19 **COUNTY GOVERNING BODY, BY RESOLUTION OR ORDINANCE, APPROVES THE**  
20 **ESTABLISHMENT OR OPERATION OF THE OPIOID TREATMENT FACILITY AT THE**  
21 **PROPOSED LOCATION, THEN THE OPIOID TREATMENT FACILITY MAY BE**  
22 **ESTABLISHED OR OPERATED AT THAT LOCATION.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 June 1, 2008.