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SENATE BILL NO. 312

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding a section numbered 37.1-179.2, relating to licensure conditions for certain methadone clinics designed for the rehabilitation of drug addicts.

 Patron—Bell

 Referred to Committee on Education and Health

Whereas, teenage drug and alcohol use is one of the most pervasive problems facing the Commonwealth and our nation; and

Whereas, across the nation and in Virginia, parents, school authorities, community leaders, law-enforcement officials, and legislators continue to struggle with ways to reduce teenage drug and alcohol use; and

Whereas, Justice Scalia, when addressing the governmental concerns for "detering drug use by our Nation's school children" in *Vernonia School District v. Acton*, spoke to its importance in strong terms, noting "[t]hat the nature of the concern is important—indeed, perhaps compelling—can hardly be doubted"; and

Whereas, thus, the Supreme Court of the United States has validated society's strong interest in ensuring that impressionable young people, especially in the school context, are protected from the temptations of drugs and are provided positive, rather than negative, role models; now therefore

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 37.1-179.2 as follows:

§ 37.1-179.2. Certain conditions of initial licensure of certain facilities.

A. Notwithstanding the Commissioner's discretion to grant licensure pursuant to this chapter or any Board regulation regarding licensure, no initial license shall be granted by the Commissioner to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, if such facility is to be located within one half-mile of a public or private K-12 school.

B. Further, upon receiving notice of a proposal or an application to obtain initial licensure to operate a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances, the Commissioner shall, within 15 days of such receipt, notify the local governing body of the jurisdiction in which the facility is to be located of such proposal or application and its proposed location.

Local governing bodies may submit to the Commissioner comments on such proposals or applications within 30 days from date of the notice that may include its compliance with this section and any applicable local ordinances.

C. No existing clinic that has been licensed and is operating in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section.

2. That the Board of Mental Health, Mental Retardation and Substance Abuse Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. Notwithstanding any regulations to the contrary and upon enactment of this provision, the Commissioner shall not grant or issue any initial license for a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled substance, methadone, or other such controlled substances on or after the date of enactment of this provision, unless the facility is in compliance with the provisions of this act.

INTRODUCED

SB312