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## SENATE BILL NO. 607

Offered January 21, 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.*

Patrons—Wampler and Bell; Delegates: Johnson and Kilgore

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 "deterring 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. Conditions for 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 day care center or K-12 school.*

*B. Further, upon receiving notice of a proposal for 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 and the community services board serving the jurisdiction in which the facility is to be located of such proposal or application and its proposed location.*

*Within 30 days of the date of the notice, local governing bodies and community services boards may submit to the Commissioner comments on such proposals or applications or provide the Commissioner with notice that no such comments will be offered. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.*

*C. Upon receiving 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 hold a public hearing on such application in compliance with Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2. The Commissioner shall publish a summary of the application in a newspaper having general circulation in the locality for at least seven days prior to the date on which the public hearing is to be held.*

*D. No license shall be issued by the Commissioner to such facility until the conditions of this section have been met, i.e., local governing body or community services board comments have been received, the public hearing has been held, all comments have been received and duly considered, and the local governing body has determined compliance with the provisions of this section and relevant local ordinances.*

*E. 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. That 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**

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59 detoxification, treatment or rehabilitation of drug addicts through the use of the controlled  
60 substance, methadone, or other such controlled substances on or after the date of enactment of  
61 this provision, unless the facility is in compliance with subsection A of this act.