

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to conditions for initial*
3 *licensure of certain providers.*

4 [H 2678]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:**

8 § 37.2-406. Conditions for initial licensure of certain providers.

9 A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any
10 Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a
11 provider of treatment for persons with opiate addiction through the use of methadone or other opioid
12 replacements, if the provider is to be located within one-half mile of a public or private licensed day
13 care center or a public or private K-12 school, except when such service is provided by a hospital
14 licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the
15 Commonwealth.

16 B. No provider shall be required to conduct, maintain, or operate services for the treatment of
17 persons with opiate addiction through the use of methadone or other opioid replacements on Sunday
18 except when such service is provided by a hospital licensed by the Board of Health or the Commissioner
19 or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued
20 by the Department consistent with the health, safety and welfare of consumers and the security of
21 take-home doses of methadone or other opiate replacements.

22 ~~B C. Further, upon~~ Upon receiving notice of a proposal for or an application to obtain an initial
23 license from a provider of treatment for persons with opiate addiction through the use of methadone or
24 other opioid replacements, the Commissioner shall, within 15 days of the receipt, notify the local
25 governing body of and the community services board serving the jurisdiction in which the facility is to
26 be located of the proposal or application and the facility's proposed location.

27 Within 30 days of the date of the notice, the local governing body and community services board
28 shall submit to the Commissioner comments on the proposal or application. The local governing body
29 shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the
30 applicant with this section and any applicable local ordinances.

31 ~~C D.~~ No license shall be issued by the Commissioner to the provider until the conditions of this
32 section have been met, i.e., local governing body and community services board comments have been
33 received and the local governing body has determined compliance with the provisions of this section and
34 any relevant local ordinances.

35 ~~D E.~~ No applicant for a license to provide treatment for persons with opiate addiction through the
36 use of methadone or other opioid replacements that has obtained a certificate of occupancy in
37 accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with
38 the provisions of this section. No existing licensed provider shall be required to comply with the
39 provisions of this section in any city or county in which it is currently providing such treatment.

40 ~~E F.~~ The provisions of subsection A of this section shall not apply to the jurisdictions in Planning
41 District 8.

ENROLLED

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