

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to clinics for treatment of
3 opioid addiction; location.

4 [H 155]
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 (i) methadone or (ii) opioid
12 replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S.
13 Food and Drug Administration if the provider is to be located within one-half mile of a public or private
14 licensed day care center or a public or private K-12 school, except when such service is provided by a
15 hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of
16 the Commonwealth.

17 B. No provider shall be required to conduct, maintain, or operate services for the treatment of
18 persons with opiate addiction through the use of (i) methadone or (ii) opioid replacements other than
19 opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug
20 Administration on Sunday, except when such service is provided by a hospital licensed by the Board of
21 Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to
22 regulations or guidelines issued by the Department consistent with the health, safety and welfare of
23 individuals receiving services and the security of take-home doses of (i) methadone or (ii) opioid
24 replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S.
25 Food and Drug Administration.

26 C. Upon receiving notice of a proposal for or an application to obtain an initial license from a
27 provider of treatment for persons with opiate addiction through the use of (i) methadone or (ii) opioid
28 replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S.
29 Food and Drug Administration, the Commissioner shall, within 15 days of the receipt, notify the local
30 governing body of and the community services board serving the jurisdiction in which the facility is to
31 be located of the proposal or application and the facility's proposed location.

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

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

40 E. No applicant for a license to provide treatment for persons with opiate addiction through the use
41 of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment
42 of opioid addiction by the U.S. Food and Drug Administration that has obtained a certificate of
43 occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to
44 comply with the provisions of this section with respect to the existing facility for which the certificate of
45 occupancy was obtained. No existing licensed provider shall be required to comply with the provisions
46 of this section with respect to an existing facility in which it is currently providing such treatment.
47 License applicants and licensees who fall within this exception shall, however, be required to comply
48 with the provisions of this section for purposes of relocating an existing facility or establishing a new
49 facility.

50 F. The provisions of subsections A and E shall not apply to (i) the jurisdictions in Planning District
51 8 ~~or~~, (ii) an applicant for a license for the purpose of relocating within a city located in Planning
52 District 23 a facility to provide treatment for persons with opiate addiction through the use of
53 methadone or other opioid replacements that has been providing such treatment in the same city since
54 1984 and is operated by and located with a community services board, or (iii) an applicant for a license
55 to operate in its current location as a facility to provide treatment for persons with opiate addiction
56 through the use of methadone or other opioid replacements when the facility is located within one-half

57 *mile of a public or private licensed day care center or a public or private K-12 school in Henrico*
58 *County, the City of Newport News, or the City of Richmond and has been licensed and operated as a*
59 *facility to provide treatment for persons with opiate addiction through the use of methadone or other*
60 *opioid replacements by another provider immediately prior to submission of the application for a*
61 *license.*