

**ASSEMBLY BILL**

**No. 2282**

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**Introduced by Assembly Member La Suer**

February 20, 2002

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An act to add Sections 11834.145, 11877.1, and 11992 to the Health and Safety Code, relating to drug treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2282, as introduced, La Suer. Drug treatment programs: proximity to children.

Existing law provides for the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities, which provide 24-hour residential nonmedical services in a group setting to adults, and narcotic treatment programs to use placement narcotic therapy in the treatment of addicted persons. These provisions are administered by the State Department of Alcohol and Drug Programs.

This bill would prohibit the department from issuing a license to any alcoholism or drug abuse recovery or treatment facility or narcotic treatment program to use placement narcotic therapy in the treatment of addicted persons that would be located within 1,000 feet of a school, church, licensed child day care facility, park, or other place that children frequent and would prohibit the renewal or extension of the licensure of an existing facility that fits this description beyond January 1, 2004.

Under existing law, the department has the responsibility and authority for planning programs and activities for prevention, care, treatment, and rehabilitation of narcotic and drug abuse. Existing law authorizes a county to apply to the department for funding to alleviate problems related to drug abuse and requires those counties to submit to

the department a county drug program plan and comply with various requirements.

This bill would prohibit, on and after January 1, 2003, the establishment, or, on and after January 1, 2004, the continued operation, of a service location or facility that provides a drug treatment program, as defined, that would be or is within 1,000 feet of a school, church, licensed child day care facility, park, or other place that children frequent.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11834.145 is added to the Health and  
2 Safety Code, to read:

3 11834.145. (a) On and after January 1, 2003, the department  
4 shall not grant a license to, nor authorize, except as provided in  
5 subdivision (b), the continued operation of, any alcoholism or drug  
6 abuse recovery or treatment facility that would be, or is, located  
7 within 1,000 feet of a school, church, licensed child day care  
8 facility, park, or other place that children frequent.

9 (b) Notwithstanding Section 11834.16, the department shall  
10 not extend, beyond January 1, 2004, the licensure period of any  
11 alcoholism or drug abuse recovery or treatment facility that is  
12 located within 1,000 feet of a school, church, licensed child day  
13 care facility, park, or other place that children frequent, and the  
14 license of that facility shall expire on January 1, 2004.

15 SEC. 2. Section 11877.1 is added to the Health and Safety  
16 Code, to read:

17 11877.1. (a) On and after January 1, 2003, the department  
18 shall not grant a license to, nor authorize, except as provided in  
19 subdivision (b), the continued operation of, any narcotic treatment  
20 program authorized to use replacement narcotic therapy that  
21 would be, or is, located within 1,000 feet of a school, church,  
22 licensed child day care facility, park, or other place that children  
23 frequent.

24 (b) Notwithstanding Section 11877.5, the department shall not  
25 renew, beyond January 1, 2004, the licensure period of any  
26 narcotic treatment program described in subdivision (a) that is  
27 located within 1,000 feet of a school, church, licensed child day



1 care facility, park, or other place that children frequent, and the  
2 license of that program shall expire on January 1, 2004.

3 SEC. 3. Section 11992 is added to the Health and Safety Code,  
4 to read:

5 11992. (a) On and after January 1, 2003, a service location or  
6 facility that provides a drug treatment program that would be  
7 within 1,000 feet of a school, church, licensed child day care  
8 facility, park, or other place that children frequent shall not be  
9 established.

10 (b) On and after January 1, 2004, a service location or facility  
11 that provides a drug treatment program that is located within 1,000  
12 feet of a school, church, licensed child day care facility, park, or  
13 other place that children frequent shall not continue to operate, or  
14 provide drug treatment services, at that location.

15 (c) For purposes of this section, “drug treatment program”  
16 means a licensed, certified, or licensed and certified community  
17 drug treatment program, which may include outpatient treatment,  
18 half-way house treatment, narcotic replacement therapy, drug  
19 education or prevention courses, limited inpatient or residential  
20 drug treatment as needed to address special detoxification or  
21 relapse situations or severe dependence, or any combination of  
22 these. “Drug treatment program” includes, but is not limited to,  
23 a county-operated or county contracted program funded through  
24 the state-approved county drug plan. “Drug treatment program”  
25 does not include a program offered in a prison or jail facility.

