

SENATE, No. 1581

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Enhances requirements for applicant seeking to locate substance use disorder treatment center within 500 feet of school.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the location of substance use disorder treatment
2 centers and amending P.L.1982, c.149 and P.L.1970, c.334.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1982, c.149 (C.26:2H-11.1) is amended to
8 read as follows:

9 1. In the case of an application for a certificate of **[need]**
10 approval or initial licensure, as applicable, for a **[narcotic and drug**
11 **abuse]** substance use disorder treatment center to be located within
12 500 feet from any building in this State used for the instruction of
13 children between the ages of five and 18 years, prior to submitting
14 an application for development pursuant to P.L.1975, c.291
15 (C.40:55D-1 et seq.), the applicant shall notify the governing body
16 of the municipality and the governing body and the county planning
17 board of the county within which the applicant proposes to locate
18 the treatment center of the applicant's intention to apply for the
19 certificate of **[need]** approval or licensure and the proposed
20 location of the treatment center, and shall request the governing
21 body of the municipality to adopt a resolution demonstrating
22 support for the proposed treatment center. **[Documentation of the**
23 **notice shall be filed]** The applicant shall submit, together with the
24 certificate of [need] approval or license application: the municipal
25 governing body's resolution demonstrating local support for the
26 substance use disorder treatment center at the proposed location;
27 and documentation that the applicant complied with the notice
28 requirements of this section. The Commissioner of **[Health is**
29 **hereby authorized to]** Human Services shall adopt reasonable rules
30 and regulations, in accordance with the provisions of the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.), to effectuate the purposes of **[this act]** P.L.1982, c.149
33 (C.26:2H-11.1). For the purposes of **[this act, the definition of**
34 **"narcotic and drug abuse]** P.L.1982, c.149 (C.26:2H-11.1): the term
35 "substance use disorder treatment center" [shall be identical to the
36 definition] means a "narcotic and substance use disorder treatment
37 center" as defined in [subsection (a) of] section 2 of
38 P.L.1970, c.334 (C.26:2G-22); and the term "certificate of
39 approval" means a certificate of approval required pursuant to
40 section 3 of P.L.1970, c.334 (C.26:2G-23) to operate a treatment
41 center. **[This act]** P.L.1982, c.149 (C.26:2H-11.1) shall not apply
42 to any **[narcotic and drug abuse]** substance use disorder treatment
43 center for which an application was filed prior to the effective date
44 of **[this act]** P.L.1982, c.149 (C.26:2H-11.1).
45 (cf: P.L.2012, c.17, s.177)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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3 3. No narcotic and substance use disorder treatment center
4 shall operate within this State except pursuant to a certificate of
5 approval obtained from the commissioner, upon application made
6 therefor. Such application shall be made upon forms furnished by
7 the commissioner, shall set forth the location of the narcotic and
8 substance use disorder treatment center, the person in charge
9 thereof, and the facilities for caring for patients who may seek
10 treatment therein. The applicant shall be required to comply with
11 the requirements of section 1 of P.L.1982, c.149 (C.26:2H-11.1).
12 The applicant shall be required to furnish evidence of its ability to
13 comply with minimum standards established hereunder and of the
14 good moral character of the applicant and the person in charge of
15 the narcotic and substance use disorder treatment center. Any
16 change in the facts set forth in the application shall be reported to
17 the commissioner within 10 days after the occurrence thereof.
18 (cf: P.L.2017, c.131, s.89)

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The bill would require an applicant for a certificate of approval or initial licensure to locate and operate a substance use disorder treatment center within 500 feet of a school to provide notice to the governing body of the municipality and the governing body and the county planning board of the county within which the proposed treatment center would be located, and to provide those notices prior to submitting an application for development under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The bill would also require an applicant to request the governing body of the municipality to adopt a resolution demonstrating support for the proposed treatment center, and require the applicant to submit, together with the certificate of approval or license application, the municipal governing body's resolution demonstrating local support for the substance use disorder treatment center at the proposed location.