

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2124

By: Eddins

AS INTRODUCED

An Act relating to mental health; amending Section 3, Chapter 327, O.S.L. 1994 and Section 3, Chapter 213, O.S.L. 1994 (43A O.S. Supp. 1999, Sections 3-417 and 3-417.1), which relate to alcohol and drug abuse services facility licensing and location; eliminating requirement for licensure by State Department of Health; repealing 43A O.S. 1991, Sections 3-418, 3-419 and 3-421, which relate to licensure and rule promulgation of alcohol and drug abuse treatment facilities by the State Department of Health; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 327, O.S.L. 1994 (43A O.S. Supp. 1999, Section 3-417), is amended to read as follows:

Section 3-417. A. ~~After being certified by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority, any person or private agency, other than a transitional living facility or halfway house as defined by Section 3-403 of this title and persons or private agencies providing only outpatient services, shall apply to the State Commissioner of Health for a license to operate the treatment facility. Applications for such licenses shall be made in accordance with provisions for licensing hospitals and related institutions contained in Sections 1-703 and 1-704 of Title 63 of the Oklahoma Statutes.~~

~~B.~~ In addition to the standards for treatment services and rules of operation required by Section 3-416 of this title, the Department of Mental Health Alcohol and Substance Drug Abuse

~~Services~~ Prevention, Training, Treatment and Rehabilitation Authority shall establish physical facility standards, fire safety standards and such other health and safety standards for treatment facilities, halfway houses and transitional living facilities as necessary.

C. B. The ~~Department of Mental Health~~ Alcohol and Substance Drug Abuse Services and the State Department of Health Prevention, Training, Treatment and Rehabilitation Authority shall ensure that the standards required by Section 3-415 of ~~Title 43A and Section 1-705 of Title 63 of the Oklahoma Statutes~~ this title include specific physical facility standards providing for facilities that provide substance abuse treatment services to pregnant women and women with children when the children also reside at the facility.

SECTION 2. AMENDATORY Section 3, Chapter 213, O.S.L. 1994 (43A O.S. Supp. 1999, Section 3-417.1), is amended to read as follows:

Section 3-417.1 For the location of any treatment facility, transitional living center or halfway house as defined in Section 3-403 of ~~Title 43A of the Oklahoma Statutes~~ this title which is operated ~~pursuant to a license issued by the State Commissioner of Health~~ for alcohol and drug abuse prevention, training, treatment and rehabilitation, the state, a county, or a municipality shall be subject to the nondiscriminatory zoning ordinances of the municipality in which located, and the location of such facility is specifically prohibited within one thousand (1,000) feet of any public or private elementary or secondary school. Provided, that if any public or private elementary or secondary school shall be established within the prohibited distance from any such facility after such facility has been in use as a treatment facility, transitional living center or halfway house, this shall not be a bar to the continued use of the facility as designated so long as it remains in continuous use as designated. The distance indicated in

this section shall be measured from the nearest property line of the school to the nearest property line of the treatment facility, transitional living center or halfway house. The provisions of this section shall not apply to any treatment facility, transitional living center or halfway house established prior to the effective date of this act.

SECTION 3. REPEALER 43A O.S. 1991, Sections 3-418, 3-419 and 3-421, are hereby repealed.

SECTION 4. This act shall become effective November 1, 2000.

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