

IN ASSEMBLY

March 16, 2022

Introduced by M. of A. DICKENS -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to limiting the amount of addiction and substance abuse facilities in the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (b) of section 19.17 of the mental hygiene law,  
2 as amended by chapter 596 of the laws of 1999, is amended to read as  
3 follows:

4 (b) The commissioner shall establish the areas which each facility  
5 under his or her jurisdiction shall serve and the categories of patients

6 which each such facility shall receive, retain, or treat. In cities with

~~7 a population of one million or more, the commissioner shall ensure that~~

~~8 there are no more than five facilities operating pursuant to this arti-~~

~~9 cle within the jurisdiction of each community board.~~

To ensure patients have accessible healthcare, treatment capacities and harm reduction services,[ such as syringe exchange and overdose prevention site:]

- in any one of the assembly districts cannot exceed [2%]<sup>1</sup> of the total number of patients in OASAS authorized programs (or [3] times the proportion of NYC population in each assembly district)
- in any one of the assembly districts cannot fall below [0.2%] of the total number of patients in OASAS authorized programs,
- in any one location (or within 100 feet of it) cannot exceed [1%] of the total number of patients in OASAS authorized programs

The commissioner should also prevent licenses from being issued if the location of the establishment is on the same street and within 200 feet<sup>2</sup> of a building that is used exclusively as a school, church, synagogue or other place of worship, or another existing program licensed by OASAS

The commissioner

10 shall provide for priority of admission for persons whose children have  
11 been placed in foster care or are in jeopardy of being so placed pursu-  
12 ant to article ten of the family court act or article six of the social  
13 services law.

14 § 2. This act shall take effect on the ninetieth day after it shall  
15 have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD14787-01-2

#### REFERENCE:

1. This limit would result in the reduction of Harlem's treatment capacities by half, assuming New York State does not increase its current total capacities. Patients treated via telehealth, home delivery of medication, or patients taking buprenorphine can possibly be excluded. About 8% of New York State's patients are treated in Harlem currently. To see the actual distribution, [view this link](#).
2. This request is to ask that drug treatment programs be subjected to zoning requirements in a way similar to liquor stores. This is the NYC regulation to liquor store location: [the NYC 200 foot rule for liquor license](#)