

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2025

COUNCIL BILL NO. 24-1791  
COMMITTEE OF REFERENCE:  
4 Safety, Housing, Education & Homelessness

5 A BILL

6 **For an ordinance amending article V, chapter 24 of the code to remove certain**  
7 **limitations applicable to needle exchange and treatment referral programs.**  
8

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That article V, division 4, of Chapter 24 of the Revised Municipal Code shall be  
11 amended by deleting the language stricken and adding the language underlined, to read as follows:  
12

13 **Sec. 24-157. - Registration of qualified needle exchange and treatment referral programs.**

14 The manager may register ~~up to three (3)~~ needle exchange and treatment referral programs that  
15 the manager determines meet the requirements of this section ~~of state and local laws and the rules~~  
16 ~~and regulations adopted by the board of public health and environment to govern needle exchange~~  
17 ~~and treatment referral programs. It shall be unlawful for any person to violate a rule or regulation~~  
18 ~~adopted by the board pursuant to this section.~~ In order to qualify for registration, the needle exchange  
19 and treatment referral programs shall:

20 (a) Be established in conformity with state law;

21 ~~(b)~~ Be operated by a nonprofit or governmental organization which targets the injection  
22 drug using population; provides for exchange of sterile syringes for used syringes; encourages  
23 injection drug users to seek treatment for substance abuse; and provides referrals for substance  
24 abuse treatment and other preventative health care services to participants in the program;

25 ~~(bc)~~ Issue an identification card certifying that the person identified is either an employee or  
26 volunteer worker for the registered program; and

27 ~~(c)~~ Operate at least one thousand (1,000) feet from an elementary and/or secondary school  
28 meeting all the requirements of the compulsory education laws of the state or a licensed day care  
29 center, except for mobile outreach workers; and

30 ~~(d)~~ Operate in compliance with the board of public health and environment's rules and  
31 regulations.

32  
33 The manager may place conditions on a registration to ensure that the registrant will operate lawfully  
34 or to incorporate the specific and enforceable provisions of a voluntary agreement between the

1 registrant and surrounding residents. Where possible, the manager may alter specific provisions  
2 requested to be placed as conditions on the registration, while keeping the intent of the parties to the  
3 agreement, to make those provisions legal and enforceable.

4

5 **Sec. 24-158. - Revocation of registration.**

6 Upon the manager's own motion or upon complaint and after investigation and a show cause hearing  
7 at which the registrant shall be afforded an opportunity to be heard, the manager may suspend or  
8 revoke any registration previously allowed for any violation of any of the following provisions,  
9 requirements, or conditions:

10 (a) The registrant has made false statements in the application for registration as to any of  
11 the facts required to be stated in such application;

12 (b) The registrant has failed either to file the required reports or to furnish such information  
13 as may be reasonably required by the manager under the authority vested in the manager;

14 (c) The registrant, either knowingly or without the exercise of due care to prevent the same,  
15 has violated any terms of the provisions pertaining to the registration, any conditions attached to the  
16 registration, or any regulation or order lawfully made under the authority of the registration;

17 (d) Any fact or condition exists which, if it had existed or had been known to exist at the time  
18 of the application for such registration, would have warranted the manager in refusing originally to  
19 issue such registration;

20 (e) The registrant, or any of the agents, servants, or employees of the registrant, have  
21 violated any rule or regulation promulgated by the board and the manager under the Code;

22 (f) The registrant has failed to maintain the premises in compliance with the requirements of  
23 the building inspection division of the department of transportation and infrastructure or the fire or  
24 public health and environment departments;

25 (g) The registrant, or any of the agents, servants or employees of the registrant, have  
26 violated any ordinance of the city or any state or federal law on the premises or have permitted such a  
27 violation on the premises by any other person.

28

29 **Sec. 24-158.5. Rules and regulations.**

30 The board shall adopt and the manager shall promulgate rules and regulations as may be necessary  
31 for the purpose of administering and enforcing the provisions of this division. Such rules shall set forth  
32 a process for surrounding residents to reach a voluntary agreement with the proposed registrant of any  
33 fixed-site needle exchange and treatment referral program. It shall be unlawful for any person to  
34 violate a rule or regulation adopted by the board pursuant to this section.

1 COMMITTEE APPROVAL DATE: December 18, 2024

2 MAYOR-COUNCIL DATE: December 24, 2024

3 PASSED BY THE COUNCIL January 13, 2025

4 *Anursh P. Sandora* - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ ; \_\_\_\_\_

10 PREPARED BY: Anshul Bagga, Assistant City Attorney; DATE: January 2, 2025

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance.  
13 The proposed ordinance is **not** submitted to the City Council for approval pursuant to § 3.2.6 of the  
14 Charter.

15  
16 Kerry Tipper, City Attorney

17  
18 BY: *Anshul Bagga*, Assistant City Attorney      DATE: Jan 2, 2025