

1 BY AUTHORITY

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. _____
COMMITTEE OF REFERENCE:

4
5 A BILL
6

7 For an ordinance authorizing a supervised use site pilot program contingent upon the
8 state General Assembly passing legislation authorizing the operation of supervised use
9 sites in the state of Colorado

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

12 **Section 1.** That article V of chapter 24, D.R.M.C. shall be amended by adding the language
13 underlined, to read as follows:

14 **DIVISION 5 QUALIFIED SUPERVISED USE SITE PILOT PROGRAM**

15 **Sec. 24-159. Registration of a Qualified Supervised Use Site.**

16 The manager may register one supervised use site in the city that the manager determines meets the
17 requirements of state and local laws and the rules and regulations adopted by the board of public
18 health and environment to govern supervised use sites. In order to qualify for registration, the
19 supervised use site shall:

20 (a) Be operated by a nonprofit or governmental organization that serves people who inject
21 drugs;

22 (b) Issue an identification card certifying that the person identified is either an employee or
23 volunteer worker for the registered program or is a participant in the program;

24 (d) Operate at least 1,000 feet from an elementary or secondary school meeting all the
25 requirements of the compulsory education laws of the state or a licensed day care center; and

26 (e) Operate in compliance with the board of public health and environment's rules and
27 regulations.

28 **Sec. 24-160 Revocation of Registration.** Upon the manager's own motion or upon complaint and
29 after investigation and a show cause hearing at which the registrant shall be afforded an opportunity to
30 be heard, the manager may suspend or revoke any registration previously allowed for any violation of
31 any of the following provisions, requirements, or conditions:

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

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

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

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

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

12 (f) The registrant has failed to maintain the premises in compliance with the
13 requirements of the building, permitting, and inspections services or the fire or the public health
14 and environment departments;

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

18 **Section 2.** That article II of Chapter 37, D.R.M.C. shall be amended by adding the language
19 underlined to read as follows:

20 **Sec. 37-54. Exceptions.** Article II of Chapter 37, D.R.M.C. shall not apply to the operation of a
21 qualified supervised use site as set forth in Section 24-159, D.R.M.C.

22 **Section 3.** That article II of Chapter 38, D.R.M.C. shall be amended by adding the language
23 underlined to read as follows:

24 **Sec. 38-173. Possession of injection devices.** It shall be unlawful for any person to possess any
25 hypodermic needle, syringe or similar device which may be adapted or used for injecting drugs or
26 other substances by subcutaneous or intracutaneous injection into the body, unless such
27 possession be authorized for medical or physical treatment by a licensed medical doctor or
28 osteopathic physician; provided, however, that the prohibitions contained in this section shall not
29 apply to manufacturers, jobbers, licensed medical technicians, hospitals, nursing homes,
30 technologists, nurses, laboratories, research teaching institutes, medical doctors, osteopathic
31 physicians, dentists, veterinarians, pharmacists and embalmers selling or using such devices in the
32 legal course of their respective businesses or professions or to persons carrying an identification
33 certifying that they are participating in or an employee or volunteer of a qualified needle exchange
34 and treatment referral program or a supervised use site registered under Division 4 of Article V of

1 Chapter 24.

2 **Section 4. Effective Date.** Nothing herein shall take effect until the state General Assembly
3 passes legislation authorizing the operation of supervised use sites in the state of Colorado.

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5 COMMITTEE APPROVAL DATE: _____, 2018.

6 MAYOR-COUNCIL DATE: _____, 2018.

7 PASSED BY THE COUNCIL _____ 2018

8 _____ - PRESIDENT

9 APPROVED: _____ - MAYOR _____ 2018

10 ATTEST: _____ - CLERK AND RECORDER,
11 EX-OFFICIO CLERK OF THE
12 CITY AND COUNTY OF DENVER
13

14 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2018; _____ 2018

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16 PREPARED BY: Kirsten J. Crawford, Assistant City Attorney; DATE: _____

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18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.
22

23 Kristin M. Bronson
24 City Attorney

25
26 BY: _____, _____ City Attorney

27 DATE: _____

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