

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-1292
COMMITTEE OF REFERENCE:
4 Safety, Housing, Education & Homelessness Committee

5
6 **A BILL**

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

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

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

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

16 **Sec. 24-159. Registration of a qualified supervised use site.**

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

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

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

25 (c) Operate in compliance with the board of public health and environment's rules and
26 regulations;

27 (d) Provide syringe access, fentanyl testing strips, overdose prevention, and referrals to
28 substance use disorder treatment, medical services, mental health services, and social services.

29 **Sec. 24-160 Board rules and regulations and stakeholder input.**

30 (a) The board of public health and environment may make such reasonable rules and
31 regulations as may be necessary for the purpose of administering and enforcing the provisions of this
32 article and any other ordinances or laws relating to and affecting issuance of supervised use site
33 registrations.

1 (b) Before approving a location for a supervised use site, the manager shall create methods
2 of obtaining stakeholder input. Stakeholders must include but are not limited to: local law enforcement
3 agencies, district attorneys, substance use disorder treatment providers, persons with a current
4 substance use disorder, persons with a substance use disorder in remission, nonprofit organizations,
5 Hepatitis C and HIV advocacy organizations, registered neighborhood organizations, interested
6 businesses, and members of the community.

7 (c) It shall be unlawful for any person to violate a rule or regulation adopted by the board of
8 public health and environment pursuant to this section.

9 **Sec. 24-161 Revocation of registration.**

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

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

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

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

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

25 (e) The registrant, or any of the agents, servants, or employees of the registrant, have
26 violated any rule or regulation promulgated by the board of public health and environment;

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

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

33 **Sec. 24-162. Sunset review and repeal or continuation of the program.**

34 Twenty-four (24) months after the first day of operations of any registered supervised use site,

1 the board of public health and environment shall hold a public hearing and make a determination of
2 whether the pilot program promotes the protection of the health of Denver residents. After the public
3 hearing, the board of public health and environment shall transmit a recommendation to the city
4 council to approve a repeal or continuation of the program.

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

7 **Sec. 37-54. Exceptions.**

8 Article II of Chapter 37, D.R.M.C. shall not apply to the operation of a qualified supervised use site as
9 set forth in Section 24-159, D.R.M.C.

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

12 **Sec. 38-173. Possession of injection devices.**

13 It shall be unlawful for any person to possess any hypodermic needle, syringe or similar device
14 which may be adapted or used for injecting drugs or other substances by subcutaneous or
15 intracutaneous injection into the body, unless such possession be authorized for medical or physical
16 treatment by a licensed medical doctor or osteopathic physician; provided, however, that the
17 prohibitions contained in this section shall not apply to manufacturers, jobbers, licensed medical
18 technicians, hospitals, nursing homes, technologists, nurses, laboratories, research teaching
19 institutes, medical doctors, osteopathic physicians, dentists, veterinarians, pharmacists and
20 embalmers selling or using such devices in the legal course of their respective businesses or
21 professions or to persons carrying an identification certifying that they are participating in or an
22 employee or volunteer of a qualified needle exchange and treatment referral program or a
23 supervised use site registered under Division 4 of Article V of Chapter 24.

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

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COMMITTEE APPROVAL DATE: November 7, 2018

MAYOR-COUNCIL DATE: November 13, 2018

PASSED BY THE COUNCIL November 26, 2018

[Signature] - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____; _____

PREPARED BY: Kirsten J. Crawford, Assistant City Attorney DATE: November 13, 2018

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

Kristin M. Bronson City Attorney

BY: Kirsten J. Crawford, Assistant City Attorney DATE: Nov 13, 2018