

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 state
8 General Assembly passing legislation authorizing the operation of supervised use sites in
9 the state of Colorado

10
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 health
18 and environment to govern supervised use sites. In order to qualify for registration, the supervised use site
19 shall:

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

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

23 (d) 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 (e) Operate in compliance with the board of public health and environment's rules and
26 regulations;

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

29 **Sec. 24-160 Rules and regulations.**

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

33 (b) The manager shall create methods of obtaining stakeholder input before promulgating rules

1 and regulations, including but not limited to input on a potential location. Stakeholders must include but are
2 not limited to: local law enforcement agencies, district attorneys, substance use disorder treatment
3 providers, persons with a substance use disorder in remission, nonprofit organizations, Hepatitis C and
4 HIV advocacy organizations, registered neighborhood organizations, interested businesses, and members
5 of the community.

6 (c) It shall be unlawful for any person to violate a rule or regulation adopted by the manager
7 pursuant to this section.

8 **Sec. 24-161 Revocation of Registration.**

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

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

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

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

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

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

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

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

31 **Sec. 24-162. Automatic termination unless extended by the board.**

32 The pilot program terminates twenty-four (24) months after the first day of operations of any registered
33 supervised use site unless the board of public health and environment determines after a public

1 hearing that the pilot program promotes the protection of the health of Denver residents, and extends
2 the program for a period not longer than an additional twenty-four (24) months by rule or regulation.

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

5 **Sec. 37-54. Exceptions.**

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

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

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

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

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

23
24 COMMITTEE APPROVAL DATE: _____, 2018.

25 MAYOR-COUNCIL DATE: _____, 2018.

26 PASSED BY THE COUNCIL _____ 2018

27 _____ - PRESIDENT

28 APPROVED: _____ - MAYOR _____ 2018

29 ATTEST: _____ - CLERK AND RECORDER,
30 EX-OFFICIO CLERK OF THE
31 CITY AND COUNTY OF DENVER
32

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

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

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

8 City Attorney

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10 BY: _____, _____ City Attorney

11 DATE: _____

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DRAFT