

**HOUSE . . . . . No. 3214**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul K. Frost and Michael O. Moore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act relative to methadone clinic zoning.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/20/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/20/2017</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>11/7/2017</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>11/7/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>11/7/2017</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>11/7/2017</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>11/7/2017</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>	<i>11/7/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>11/7/2017</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>11/7/2017</i>

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By Representative Frost of Auburn and Senator Moore, a joint petition (accompanied by bill, House, No. 3214) of Paul K. Frost, Michael O. Moore and others relative to methadone clinic zoning. Municipalities and Regional Government.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to methadone clinic zoning.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 40A of the General Laws, as appearing in the 2014 Official  
2 Edition, is hereby amended by adding, after Section 3, the following new section:-

3 Section 3 ½. (a) Notwithstanding the provisions of Section 3 of Chapter 40A, or any  
4 general or special law to the contrary, municipalities may adopt zoning ordinances, pursuant to  
5 Section 5 of Chapter 40A, for the purpose of regulating the location of proposed methadone  
6 clinics.

7 (b) Should no local requirements exist, a methadone clinic, by default, shall not be sited  
8 within a radius of five hundred feet of a school, daycare center, or any facility in which children  
9 commonly congregate. The five hundred foot distance under this section shall be measured in a  
10 straight line from the nearest point of the facility in question to the nearest point of the proposed  
11 methadone clinic.

12 (c) For the purposes of this section, “facility in which children commonly congregate”  
13 shall be defined as facilities in which children are gathered for a particular purpose in a  
14 structured and scheduled manner or which are dedicated to the use of children, including  
15 playgrounds, youth services programs, day care centers, youth sports facilities, dance schools,  
16 and gymnastic schools and private homes housing family day care centers. It shall not include  
17 other facilities where children congregate in an unstructured, unscheduled manner.

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19 (d) Methadone clinics shall not be able to employ the provisions of Section 3 of Chapter  
20 40A in order to bypass local zoning requirements.

21 SECTION 2. This act shall take effect 90 days after passage.