

SENATE BILL 2631

By McNally

AN ACT to amend Tennessee Code Annotated, Title 13;
Title 33 and Title 68, relative to certain residential
drug treatment centers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 2, Part 4, is amended by
adding the following as a new section:

§ 33-2-422.

(a)

(1) In order to secure the welfare and safety of children, a residential alcohol or drug treatment, rehabilitation or detoxification facility shall not locate within one thousand feet (1,000') of: (1) a child care center as defined in § 71-3-501; (2) a private, public, or charter school; (3) a public park; (4) a residence; or (5) a place of worship.

(2) For the purposes of this subsection (a), measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a residential alcohol or drug treatment, rehabilitation or detoxification facility to the nearest point on the property line of a parcel containing a child care center, a private, public, or charter school, a public park, a residence, or a place of worship.

(b) Subsection (a) shall not apply to a residential alcohol or drug treatment, rehabilitation or detoxification facility located in an otherwise prohibited location in operation on the effective date of this act, and the treatment activity

shall be deemed an existing use of the property; provided, that the facility remains in continuous operation as a residential alcohol or drug treatment, rehabilitation or detoxification facility regardless of change of ownership.

(c) Any residential alcohol or drug treatment, rehabilitation or detoxification facility which is located within one thousand feet (1,000') of a child care center, a private, public, or charter school, a public park, a residence, or a place of worship due to an existing use under subsection (b) shall be required to install fencing, cameras, lighting and other security measures as the commissioner may require by rule for such facilities. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.