

AMENDMENTS TO SENATE BILL NO. 446

Sponsor: REPRESENTATIVE KAUFER

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1 Amend Bill, page 1, lines 5 through 31, by striking out all
2 of said lines and inserting
3 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,
4 as amended, "An act providing for and reorganizing the
5 conduct of the executive and administrative work of the
6 Commonwealth by the Executive Department thereof and the
7 administrative departments, boards, commissions, and officers
8 thereof, including the boards of trustees of State Normal
9 Schools, or Teachers Colleges; abolishing, creating,
10 reorganizing or authorizing the reorganization of certain
11 administrative departments, boards, and commissions; defining
12 the powers and duties of the Governor and other executive and
13 administrative officers, and of the several administrative
14 departments, boards, commissions, and officers; fixing the
15 salaries of the Governor, Lieutenant Governor, and certain
16 other executive and administrative officers; providing for
17 the appointment of certain administrative officers, and of
18 all deputies and other assistants and employes in certain
19 departments, boards, and commissions; providing for the
20 regulation of pari-mutuel thoroughbred horse racing and
21 harness horse racing activities, imposing certain taxes and
22 providing for the disposition of funds from pari-mutuel
23 tickets; and prescribing the manner in which the number and
24 compensation of the deputies and all other assistants and
25 employes of certain departments, boards and commissions shall
26 be determined," providing for certified drug and alcohol
27 recovery houses and establishing the Certified Drug and
28 Alcohol Recovery House Fund Account.
29 The General Assembly finds and declares as follows:
30 (1) Individuals with alcohol and drug addictions may be
31 in need of a supportive, sober housing arrangement after
32 completing inpatient treatment for addiction.
33 (2) Stable housing has been recognized as a verifiable
34 need for individuals in recovery, especially early recovery,
35 but is often difficult to obtain.
36 (3) The goal is to find a place that is safe,
37 appropriately maintained and beneficial to the individual's
38 recovery process.

1 (4) Sober living recovery houses can be extremely
2 helpful in stabilizing early recovery as an individual who
3 has an addiction continues treatment and begins to search for
4 employment.

5 (5) The Congress of the United States added protections
6 for individuals with disabilities to the Fair Housing Act
7 (Public Law 90-284, 42 U.S.C. § 3601 et seq.).

8 (6) These Federal statutes prohibit a broad range of
9 practices that discriminate against individuals on the basis
10 of race, color, religion, sex, national origin, familial
11 status, handicap or disability or having a substance abuse
12 disorder.

13 (7) The Fair Housing Act does not preempt local zoning
14 laws but is intended to prohibit the use of local laws and
15 ordinances to make housing unavailable to individuals with a
16 disability solely on the basis of their disability.

17 Amend Bill, page 6, lines 9 through 30; pages 7 through 9,
18 lines 1 through 30; page 10, lines 1 through 25; by striking out
19 all of said lines on said pages and inserting

20 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
21 as The Administrative Code of 1929, is amended by adding an
22 article to read:

23 ARTICLE XXIII-C
24 CERTIFIED DRUG AND ALCOHOL
25 RECOVERY HOUSE

26 Section 2301-C. Definitions.

27 The following words and phrases when used in this article
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Certificate of compliance" or "certification." Includes a
31 license to operate a drug and alcohol recovery house.

32 "Certified." Having a valid certificate of compliance from
33 the department or licensed by the department for the operation
34 of a drug and alcohol recovery house.

35 "Department." The Department of Drug and Alcohol Programs of
36 the Commonwealth.

37 "Drug and alcohol recovery house." A group housing
38 arrangement that meets all of the following:

39 (1) Provides a transitional living situation that may be
40 utilized between residential treatment and independent living
41 in the community.

42 (2) Provides safe recovery environments recognizing
43 multiple pathways to recovery for individuals who are not
44 ready to live on their own but who are motivated in recovery
45 and can thrive in an environment providing limited structure.

46 (3) Requires residents to pay to live and cohabitate in
47 a family-like setting sharing common living areas and
48 supporting each other in the recovery process.

1 (4) Provides a peer-supported, alcohol-free and drug-
2 free living environment which may also be described as a
3 sober house or a house where there are residents in recovery
4 from alcohol or other drug addiction.

5 "House administrator." The individual responsible for the
6 overall management of a certified drug and alcohol recovery
7 house, including the supervision of each resident and staff
8 employed by or volunteering for the certified drug and alcohol
9 recovery house.

10 Section 2302-C. Duties of department.

11 (a) Certification.--The department shall establish standards
12 for the purpose of developing and administering certification of
13 a drug and alcohol recovery house.

14 (b) Process.--The department shall establish a process to:

15 (1) Administer the application, certification,
16 recertification and disciplinary processes.

17 (2) Monitor and inspect a certified drug and alcohol
18 recovery house and the staff of a certified drug and alcohol
19 recovery house to ensure compliance with certification
20 requirements. The department may authorize single county
21 authorities to perform the actions under this paragraph.

22 (3) Establish application, inspection and annual
23 certification renewal fees.

24 (c) Documentation.--The department shall require a drug and
25 alcohol recovery house to submit the following documents with
26 the completed application and fee:

27 (1) A policy and procedures manual containing:

28 (i) Job descriptions for each staff position.

29 (ii) Drug testing procedures and requirements.

30 (iii) A prohibition on the premises against alcohol,
31 illegal drugs and the use of prescribed medications by an
32 individual other than the individual for whom the
33 medication is prescribed.

34 (iv) Policies to support a resident's recovery
35 efforts.

36 (v) A good neighbor policy to address neighborhood
37 concerns.

38 (vi) The maintenance of the property, including
39 safety exits, the installation of smoke detectors and
40 fire extinguishers.

41 (2) Rules for residents.

42 (3) Copies of each form provided to residents.

43 (4) Intake procedures.

44 (5) Relapse policy.

45 (6) Fee schedule.

46 (7) Refund policy.

47 (8) Eviction procedures and policy.

48 (9) Code of ethics.

49 (10) Proof of meeting insurance requirements.

50 (11) Criminal history record check requirements.

51 (12) Requirements for proof of satisfactory fire, safety

1 and health inspections.

2 (13) Information regarding ownership.

3 (d) Inspection.--The department or a single county authority
4 shall conduct an onsite inspection of a drug and alcohol
5 recovery house before issuing a certificate of compliance.
6 Onsite follow-up monitoring of a certified drug and alcohol
7 recovery house may be conducted to determine continuing
8 compliance with certification requirements and may be initiated
9 as a result of a complaint to the department for noncompliance.

10 (e) Criminal history record checks.--The department shall
11 require all owners, directors, chief financial officers,
12 applicants, employees and volunteers of a drug and alcohol
13 recovery house to undergo criminal history record checks.

14 (f) Certificate of compliance.--The department shall issue a
15 certificate of compliance upon approval of the application and
16 inspection. The certification shall automatically terminate if
17 not renewed within one year after the date of issuance.

18 (g) Denial, suspension or revocation.--

19 (1) The department shall deny a drug and alcohol
20 recovery house's application for certification and may
21 suspend or revoke a certification if the drug and alcohol
22 recovery house:

23 (i) is not in compliance with this article;

24 (ii) has failed to remedy a deficiency identified by
25 the department within the time period specified;

26 (iii) provided false, misleading or incomplete
27 information;

28 (iv) has delinquent State taxes; or

29 (v) knowingly has a house administrator, an owner, a
30 director or a chief financial officer who is subject to
31 the disqualifying offenses under section 2304-C(b) or who
32 has been convicted of one of the following criminal
33 offenses within the past two years:

34 (A) An offense designated as a felony under 18
35 Pa.C.S. (relating to crimes and offenses).

36 (B) An offense designated as a felony under the
37 act of April 14, 1972 (P.L.233, No.64), known as The
38 Controlled Substance, Drug, Device and Cosmetic Act.

39 (C) Any attempt, solicitation or conspiracy to
40 commit an offense under clause (A) or (B).

41 (2) A certified drug and alcohol recovery house shall
42 remove a house administrator, an owner, a director or a chief
43 financial officer if the certified drug and alcohol recovery
44 house knows that the individual has been convicted of any of
45 the offenses under paragraph (1)(v) within the past two years
46 and shall notify the department of the removal. The
47 department shall review any denial, suspension or revocation
48 under this subsection in light of the removal.

49 Section 2303-C. Advertisement.

50 No person may advertise to the public a drug and alcohol
51 recovery house as a certified drug and alcohol recovery house

1 unless the drug and alcohol recovery house has secured a
2 certificate of compliance under this article.

3 Section 2304-C. Criminal history record checks.

4 (a) Requirement.--

5 (1) An applicant for certification and an owner, a
6 director, a chief financial officer, an employee or a
7 volunteer of a drug and alcohol recovery house must undergo a
8 criminal history record check.

9 (2) An applicant who applies to the department for a
10 certificate shall include a criminal history record for every
11 owner, director, chief financial officer, employee or
12 volunteer at the drug and alcohol recovery house.

13 (b) Disqualification.--

14 (1) No certified drug and alcohol recovery house may
15 hire a house administrator, director or chief financial
16 officer if the individual's criminal history record indicates
17 that the individual has been convicted of one or more of the
18 following offenses within the past two years:

19 (i) An offense designated as a felony under 18
20 Pa.C.S. (relating to crimes and offenses).

21 (ii) An offense designated as a felony under the act
22 of April 14, 1972 (P.L.233, No.64), known as the
23 Controlled Substance, Drug, Device and Cosmetic Act.

24 (iii) Any attempt, solicitation or conspiracy to
25 commit an offense under subparagraph (i) or (ii).

26 (2) No certified drug and alcohol recovery house may be
27 owned by an individual or hire a house administrator,
28 director or chief financial officer if the individual's
29 criminal history record indicates that the individual has
30 been convicted of one or more of the following offenses under
31 18 Pa.C.S. or an equivalent crime under Federal law or the
32 law of another state:

33 (i) Chapter 25 (relating to criminal homicide).

34 (ii) Section 2702 (relating to aggravated assault).

35 (iii) Section 2709.1 (relating to stalking).

36 (iv) Section 2901 (relating to kidnapping).

37 (v) Section 2902 (relating to unlawful restraint).

38 (vi) Section 3001 (relating to trafficking in
39 individuals).

40 (vii) Section 3012 (relating to involuntary
41 servitude).

42 (viii) Section 3121 (relating to rape).

43 (ix) Section 3122.1 (relating to statutory sexual
44 assault).

45 (x) Section 3123 (relating to involuntary deviate
46 sexual intercourse).

47 (xi) Section 3124.1 (relating to sexual assault).

48 (xii) Section 3125 (relating to aggravated indecent
49 assault).

50 (xiii) Section 3126 (relating to indecent assault).

51 (xiv) Section 3301 (relating to arson and related

1 offenses).

2 (xv) Section 3701 (relating to robbery).

3 (xvi) A felony offense under Chapter 41 (relating to
4 forgery and fraudulent practices), with the exception of
5 an offense under any of the following:

6 (A) Section 4101 (relating to forgery).

7 (B) Section 4106 (relating to access device
8 fraud).

9 (xvii) Section 4114 (relating to securing execution
10 of documents by deception).

11 (xviii) Section 4302 (relating to incest).

12 (xix) Section 4303 (relating to concealing death of
13 child).

14 (xx) Section 4304 (relating to endangering welfare
15 of children).

16 (xxi) Section 4305 (relating to dealing in infant
17 children).

18 (xxii) Section 4952 (relating to intimidation of
19 witnesses or victims).

20 (xxiii) Section 4953 (relating to retaliation
21 against witness, victim or party).

22 (xxiv) A felony offense under section 5902(b)
23 (relating to prostitution and related offenses).

24 (xxv) Section 5903(c) or (d) (relating to obscene
25 and other sexual materials and performances).

26 (xxvi) Section 6301 (relating to corruption of
27 minors).

28 (xxvii) Section 6312 (relating to sexual abuse of
29 children).

30 (xxviii) The attempt, solicitation or conspiracy to
31 commit any of the offenses under this paragraph.

32 (c) Costs.--The costs associated with a criminal history
33 record check under this section shall be the responsibility of
34 the individual who is the subject of the criminal history record
35 check.

36 Section 2305-C. House administrator.

37 (a) Competency.--A certified drug and alcohol recovery house
38 shall employ a house administrator who has the competency
39 necessary to respond on a timely basis to the needs of residents
40 and maintain property standards.

41 (b) Establishment.--The department shall establish the
42 following in regard to a house administrator:

43 (1) Standards and criteria for the purpose of developing
44 and administering certification.

45 (2) Core competencies, certification requirements,
46 testing instruments and recertification requirements.

47 (3) A process to administer the certification,
48 application, award and maintenance processes.

49 (4) Minimum requirements of training, work experience,
50 supervision and a disciplinary process of certified persons.

51 (5) Application, certification and annual certification

1 renewal fees adequate to carry out the provisions of this
2 article.

3 (c) Criminal history record checks.--A certified house
4 administrator must pass a criminal history record check as
5 provided under section 2304-C.

6 (d) Termination.--Certification shall automatically
7 terminate if not renewed within one year after the date of
8 issuance.

9 (e) Ineligibility.--An individual whose criminal history
10 record indicates that the individual has been convicted of one
11 or more of the disqualifying offenses under section 2304-C(b)(1)
12 shall be ineligible to become a house administrator.

13 (f) Advertisement.--

14 (1) No individual may advertise himself or herself to
15 the public as a certified house administrator unless the
16 individual has secured a certificate of compliance under this
17 section.

18 (2) An individual who violates this subsection commits a
19 misdemeanor of the second degree.

20 (g) Management.--A house administrator may not actively
21 manage more than three drug and alcohol recovery houses at the
22 same time.

23 Section 2306-C. Standards.

24 (a) Contents.--The standards developed by the department
25 under this article shall address the following areas and shall
26 include, but not be limited to:

27 (1) Policies and procedures to ensure that, upon
28 admission, residents are informed of all certified drug and
29 alcohol recovery house rules, residency requirements and
30 lease agreements.

31 (2) Policies and procedures for the establishment and
32 maintenance of an accounting system that fully documents each
33 financial transaction, including each financial transaction
34 of each resident.

35 (3) Policies and procedures addressing the safety and
36 protection of each resident and the community.

37 (4) Policies that promote recovery by requiring resident
38 participation in treatment, self-help groups or other
39 recovery supports.

40 (5) Policies requiring abstinence from alcohol and other
41 drugs.

42 (6) Procedures regarding appropriate use and security of
43 medication.

44 (7) The maintenance of the property and the grounds in
45 which the certified drug and alcohol recovery house is
46 located, including, but not limited to, safety exits and the
47 installation of functioning smoke detectors and fire
48 extinguishers.

49 (8) General safety and emergency procedures, including
50 provisions for fire drills and the evacuation and transfer of
51 residents and staff to a safe location, assignment of staff

1 during emergencies and notification to the department during
2 an emergency.

3 (9) Procedures, including referral agreements, to handle
4 relapse.

5 (b) (Reserved).

6 Section 2307-C. Code of ethics.

7 (a) Establishment.--The department shall establish a code of
8 ethics for certified alcohol and drug recovery houses to satisfy
9 as a condition of employment. The code of ethics shall address,
10 but not be limited to, the following:

11 (1) The confidentiality of client-identifying
12 information.

13 (2) Knowledge of how to access treatment resources in
14 the community, including knowledge of the single county
15 authority and the authority's assessment and referral
16 protocol.

17 (3) Maintaining an alcohol-free and illicit drug-free
18 environment.

19 (4) The process for a resident to report an ethical or
20 standards violation.

21 (5) Prohibiting retribution, intimidation or any
22 negative consequences to a resident if a grievance or
23 complaint has been filed.

24 (6) Prohibiting an owner or house administrator from
25 directly or indirectly soliciting or accepting a commission,
26 fee or anything of monetary or material value from a
27 resident, other related individual, third-party entity or
28 referral source beyond specified rent established in writing
29 at the time of residency.

30 (7) That no owner, house administrator or employee may
31 become personally involved with a resident's financial
32 affairs, including borrowing or lending money, buying or
33 selling property or any other financial transactions.

34 (8) That no owner, house administrator or employee may
35 require a resident to sign over any public assistance
36 benefits, including, but not limited to, medical assistance,
37 cash assistance and food stamps.

38 (9) That no owner, house administrator or employee may
39 offer, pay, solicit or receive a commission, bonus or rebate,
40 directly or indirectly, in cash or in-kind, or engage in a
41 split-fee arrangement, in any form, for any of the following:

42 (i) to induce the referral of patients or patronage
43 to or from a health care provider or health care facility
44 or other third-party entity; or

45 (ii) in return for the acceptance or acknowledgment
46 of services from a health care provider, health care
47 facility or third-party entity.

48 (b) Posting.--The code of ethics shall be posted on the
49 department's publicly accessible Internet website.

50 Section 2308-C. Registry.

51 (a) Duty to establish.--The department shall establish and

1 maintain a registry of all certified drug and alcohol recovery
2 houses in this Commonwealth.

3 (b) Posting.--The registry shall be posted on the
4 department's publicly accessible Internet website.

5 Section 2309-C. Funding.

6 No drug and alcohol recovery house may receive funding from
7 the department or a State agency without certification.

8 Section 2310-C. Violations.

9 (a) Administrative penalty.--If the department determines a
10 certified drug and alcohol recovery house is not in compliance
11 with this article, the department may impose an administrative
12 penalty of up to \$1,000 per day against the drug and alcohol
13 recovery house.

14 (b) Referral.--If the department determines a drug and
15 alcohol recovery house is not in compliance with this article
16 due to an alleged violation of any Federal, State or local law,
17 the department shall refer the matter to the appropriate agency
18 for investigation.

19 Section 2311-C. Certified Drug and Alcohol Recovery House Fund
20 Account.

21 The Certified Drug and Alcohol Recovery House Fund Account is
22 established as a restricted account in the State Treasury. Each
23 fine and fee collected under this article shall be deposited
24 into the account. Funds in the account shall be utilized for the
25 enforcement of this article.

26 Section 2312-C. Compliance with other laws.

27 Nothing in this act shall prevent or otherwise restrict a
28 drug and alcohol recovery house from complying with the
29 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
30 Stat. 327) or other applicable Federal, State or local law.

31 Section 2313-C. Regulations.

32 The department shall promulgate regulations to administer
33 this article and shall consider developing ways to encourage the
34 referral to drug and alcohol recovery houses that are in full
35 compliance with this article.

36 Section 2. This act shall take effect in six months.