
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 446 Session of
2017

INTRODUCED BY MCGARRIGLE, YAW, SCARNATI, RESCHENTHALER, MARTIN,
TOMLINSON, TARTAGLIONE, FOLMER, KILLION, WARD, VULAKOVICH,
BARTOLOTTA, BROWNE, BREWSTER AND WAGNER, MARCH 2, 2017

REFERRED TO URBAN AFFAIRS AND HOUSING, MARCH 2, 2017

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, providing for drug and
3 alcohol recovery houses and establishing the Drug and Alcohol
4 Recovery House Fund.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 68 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 57

10 DRUG AND ALCOHOL RECOVERY HOUSES

11 Sec.

12 5701. Definitions.

13 5702. Powers and duties of department.

14 5703. Regulations for certification of drug and alcohol
15 recovery houses.

16 5704. Funding.

17 5705. Licensure or certification.

18 5706. Registry.

1 5707. Violations.

2 5708. Restricted account.

3 5709. Compliance with other laws.

4 § 5701. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Department." The Department of Drug and Alcohol Programs of
9 the Commonwealth.

10 "Drug and alcohol recovery house." Housing for individuals
11 recovering from drug or alcohol addiction, which provides those
12 individuals with a safe and supportive drug and alcohol-free
13 environment, peer support and other recovery support services
14 that may include coordination of treatment services.

15 § 5702. Powers and duties of department.

16 The department shall certify drug and alcohol recovery houses
17 directly or through a contracted entity, as defined by
18 department guidelines, which shall adhere to National Alliance
19 for Recovery Residences standards with modifications deemed
20 necessary by the department. All referrals from State agencies
21 or State-funded facilities shall be to licensed or certified
22 drug and alcohol recovery houses, and only licensed or certified
23 recovery houses may be eligible to receive Federal or State
24 funding to deliver drug and alcohol recovery housing services.

25 § 5703. Regulations for certification of drug and alcohol
26 recovery houses.

27 (a) Regulations.--The department may promulgate regulations
28 for the licensure or certification of drug and alcohol recovery
29 houses that receive funds or referrals from the department, or a
30 Federal, State or other county agency, to ensure that the drug

1 and alcohol recovery houses provide a safe environment for
2 residents. The regulations may include, but not be limited to,
3 the following:

4 (1) Upon admission, ensuring that residents are informed
5 of all drug and alcohol recovery house rules, residency
6 requirements and lease agreements.

7 (2) Policies and procedures for management of all funds
8 received and expended by the drug and alcohol recovery house
9 in accordance with standard accounting practices, including
10 funds received from or managed on behalf of residents of the
11 house.

12 (3) Policies and procedures addressing the safety and
13 protection of residents.

14 (4) Policies that promote recovery by requiring resident
15 participation in treatment, self-help groups or other
16 recovery supports.

17 (5) Policies requiring abstinence from alcohol and other
18 illicit drugs.

19 (6) Procedures regarding appropriate use and security of
20 medication.

21 (7) The maintenance of the property in which the drug
22 and alcohol recovery house is located, including, but not
23 limited to, the installation of functioning smoke detectors,
24 carbon monoxide detectors and fire extinguishers.

25 (b) Temporary regulations.--In order to facilitate the
26 prompt implementation of this chapter, regulations promulgated
27 by the department shall be deemed temporary regulations that
28 shall not expire for a period of three years following
29 publication. Temporary regulations shall not be subject to:

30 (1) Sections 201, 202, 203, 204 and 205 of the act of

1 July 31, 1968 (P.L.769, No.240), referred to as the
2 Commonwealth Documents Law.

3 (2) Sections 204(b) and 301(10) of the act of October
4 15, 1980 (P.L.950, No.164), known as the Commonwealth
5 Attorneys Act.

6 (3) The act of June 25, 1982 (P.L.633, No.181), known as
7 the Regulatory Review Act.

8 (c) Expiration of authority.--The authority of the
9 department to promulgate temporary regulations under subsection
10 (b) shall expire three years after the effective date of this
11 section. Regulations adopted after this period shall be
12 promulgated as provided by law.

13 § 5704. Funding.

14 A drug and alcohol recovery house or other recovery house
15 shall not be authorized to provide services or receive funding
16 from the department or any Federal, State or county agency
17 without licensure or certification.

18 § 5705. Licensure or certification.

19 (a) Time period.--Licensure or certification shall last for
20 a period of two years.

21 (b) Compliance of existing drug and alcohol recovery
22 houses.--A drug and alcohol recovery house in existence on the
23 effective date of this section may be deemed licensed or
24 certified by the department after inspection and if the drug and
25 alcohol recovery house provides documentation to the department
26 that it is in compliance with the regulations promulgated by the
27 department.

28 (c) Fee.--The department shall establish a fee to be paid by
29 each drug and alcohol recovery house adequate to carry out the
30 provisions of this chapter.

1 § 5706. Registry.

2 The department shall create and maintain a publicly
3 accessible registry on its publicly accessible Internet website
4 of all licensed or certified drug and alcohol recovery houses
5 within this Commonwealth, which shall be updated annually by the
6 department.

7 § 5707. Violations.

8 A person owning a drug and alcohol recovery house that is
9 funded, in whole or in part, with funding from the department,
10 or a Federal, other State or county agency, that has failed to
11 attain or maintain licensure or certification of a drug and
12 alcohol recovery house and has not been licensed or certified by
13 the department shall pay a fine of \$1,000 for each violation.

14 § 5708. Restricted account.

15 All fines and fees collected shall be deposited into a
16 restricted account in the department which is established and
17 shall be known as the Drug and Alcohol Recovery House Fund.
18 Money in this account is to be utilized for the enforcement of
19 this chapter.

20 § 5709. Compliance with other laws.

21 In order to receive and maintain licensure or certification,
22 all drug and alcohol recovery houses must be in compliance with
23 all Federal, State and local ordinances. Failure to comply or
24 remain in compliance shall result in loss of licensure or
25 certification and removal from the registry.

26 Section 2. This act shall take effect in 120 days.