

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, WAGNER AND RAFFERTY, MARCH 2, 2017

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 27, 2017

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled, <--~~  
2 ~~as amended, "An act providing for and reorganizing the~~  
3 ~~conduct of the executive and administrative work of the~~  
4 ~~Commonwealth by the Executive Department thereof and the~~  
5 ~~administrative departments, boards, commissions, and officers~~  
6 ~~thereof, including the boards of trustees of State Normal~~  
7 ~~Schools, or Teachers Colleges; abolishing, creating,~~  
8 ~~reorganizing or authorizing the reorganization of certain~~  
9 ~~administrative departments, boards, and commissions; defining~~  
10 ~~the powers and duties of the Governor and other executive and~~  
11 ~~administrative officers, and of the several administrative~~  
12 ~~departments, boards, commissions, and officers; fixing the~~  
13 ~~salaries of the Governor, Lieutenant Governor, and certain~~  
14 ~~other executive and administrative officers; providing for~~  
15 ~~the appointment of certain administrative officers, and of~~  
16 ~~all deputies and other assistants and employes in certain~~  
17 ~~departments, boards, and commissions; providing for the~~  
18 ~~regulation of pari mutuel thoroughbred horse racing and~~  
19 ~~harness horse racing activities, imposing certain taxes and~~  
20 ~~providing for the disposition of funds from pari mutuel~~  
21 ~~tickets; and prescribing the manner in which the number and~~  
22 ~~compensation of the deputies and all other assistants and~~  
23 ~~employes of certain departments, boards and commissions shall~~  
24 ~~be determined," in powers and duties of the Department of~~  
25 ~~Drug and Alcohol Programs, providing for drug and alcohol~~  
26 ~~recovery houses and establishing the Drug and Alcohol~~  
27 ~~Recovery House Fund; and making editorial changes.~~  
28 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED, <--  
29 AS AMENDED, "AN ACT PROVIDING FOR AND REORGANIZING THE  
30 CONDUCT OF THE EXECUTIVE AND ADMINISTRATIVE WORK OF THE  
31 COMMONWEALTH BY THE EXECUTIVE DEPARTMENT THEREOF AND THE

1 ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS  
2 THEREOF, INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL  
3 SCHOOLS, OR TEACHERS COLLEGES; ABOLISHING, CREATING,  
4 REORGANIZING OR AUTHORIZING THE REORGANIZATION OF CERTAIN  
5 ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING  
6 THE POWERS AND DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND  
7 ADMINISTRATIVE OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE  
8 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE  
9 SALARIES OF THE GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN  
10 OTHER EXECUTIVE AND ADMINISTRATIVE OFFICERS; PROVIDING FOR  
11 THE APPOINTMENT OF CERTAIN ADMINISTRATIVE OFFICERS, AND OF  
12 ALL DEPUTIES AND OTHER ASSISTANTS AND EMPLOYES IN CERTAIN  
13 DEPARTMENTS, BOARDS, AND COMMISSIONS; PROVIDING FOR THE  
14 REGULATION OF PARI-MUTUEL THOROUGHBRED HORSE RACING AND  
15 HARNESS HORSE RACING ACTIVITIES, IMPOSING CERTAIN TAXES AND  
16 PROVIDING FOR THE DISPOSITION OF FUNDS FROM PARI-MUTUEL  
17 TICKETS; AND PRESCRIBING THE MANNER IN WHICH THE NUMBER AND  
18 COMPENSATION OF THE DEPUTIES AND ALL OTHER ASSISTANTS AND  
19 EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND COMMISSIONS SHALL  
20 BE DETERMINED," PROVIDING FOR CERTIFIED DRUG AND ALCOHOL  
21 RECOVERY HOUSES AND ESTABLISHING THE CERTIFIED DRUG AND  
22 ALCOHOL RECOVERY HOUSE ACCOUNT.

23 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

24 (1) INDIVIDUALS WITH ALCOHOL AND DRUG ADDICTIONS MAY BE  
25 IN NEED OF A SUPPORTIVE, SOBER HOUSING ARRANGEMENT AFTER  
26 COMPLETING INPATIENT TREATMENT FOR ADDICTION.

27 (2) STABLE HOUSING HAS BEEN RECOGNIZED AS A VERIFIABLE  
28 NEED FOR INDIVIDUALS IN RECOVERY, ESPECIALLY EARLY RECOVERY,  
29 BUT IS OFTEN DIFFICULT TO OBTAIN.

30 (3) THE GOAL IS TO FIND A PLACE THAT IS SAFE,  
31 APPROPRIATELY MAINTAINED AND BENEFICIAL TO THE INDIVIDUAL'S  
32 RECOVERY PROCESS.

33 (4) SOBER LIVING RECOVERY HOUSES CAN BE EXTREMELY  
34 HELPFUL IN STABILIZING EARLY RECOVERY AS AN INDIVIDUAL WHO  
35 HAS AN ADDICTION CONTINUES TREATMENT AND BEGINS TO SEARCH FOR  
36 EMPLOYMENT.

37 (5) THE CONGRESS OF THE UNITED STATES ADDED PROTECTIONS  
38 FOR INDIVIDUALS WITH DISABILITIES TO THE FAIR HOUSING ACT  
39 (PUBLIC LAW 90-284, 42 U.S.C. § 3601 ET SEQ.).

40 (6) THESE FEDERAL STATUTES PROHIBIT A BROAD RANGE OF  
41 PRACTICES THAT DISCRIMINATE AGAINST INDIVIDUALS ON THE BASIS

1 OF RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, FAMILIAL  
2 STATUS, HANDICAP OR DISABILITY OR HAVING A SUBSTANCE ABUSE  
3 DISORDER.

4 (7) THE FAIR HOUSING ACT DOES NOT PREEMPT LOCAL ZONING  
5 LAWS BUT IS INTENDED TO PROHIBIT THE USE OF LOCAL LAWS AND  
6 ORDINANCES TO MAKE HOUSING UNAVAILABLE TO INDIVIDUALS WITH A  
7 DISABILITY SOLELY ON THE BASIS OF THEIR DISABILITY.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 ~~Section 1. Article XXIII A of the act of April 9, 1929~~ <--  
11 ~~(P.L.177, No.175), known as The Administrative Code of 1929, is~~  
12 ~~amended by adding a subarticle heading to read:~~

13 ~~(a) General Provisions~~

14 ~~Section 2. Article XXIII A of the act is amended by adding a~~  
15 ~~subarticle to read:~~

16 ~~(b) Drug and Alcohol Recovery Houses~~

17 ~~Section 2311 A. Definitions.~~

18 ~~The following words and phrases when used in this subarticle~~  
19 ~~shall have the meanings given to them in this section unless the~~  
20 ~~context clearly indicates otherwise:~~

21 ~~"Department." The Department of Drug and Alcohol Programs of~~  
22 ~~the Commonwealth.~~

23 ~~"Drug and alcohol recovery house." Housing for individuals~~  
24 ~~recovering from drug or alcohol addiction, which provides those~~  
25 ~~individuals with a safe and supportive drug and alcohol free~~  
26 ~~environment, peer support and other recovery support services~~  
27 ~~that may include coordination of treatment services.~~

28 ~~Section 2312 A. Powers and duties of department.~~

29 ~~The department shall license or certify drug and alcohol~~  
30 ~~recovery houses directly or through a contracted entity, as~~

~~1 defined by department guidelines, which shall adhere to National  
2 Alliance for Recovery Residences standards with modifications  
3 deemed necessary by the department. All referrals from State  
4 agencies or State funded facilities shall be to licensed or  
5 certified drug and alcohol recovery houses, and only licensed or  
6 certified recovery houses may be eligible to receive Federal or  
7 State funding to deliver drug and alcohol recovery housing  
8 services.~~

~~9 Section 2313 A. Regulations for licensure or certification of  
10 drug and alcohol recovery houses.~~

~~11 (a) Regulations. The department may promulgate regulations  
12 for the licensure or certification of drug and alcohol recovery  
13 houses that receive funds or referrals from the department, or a  
14 Federal, State or other county agency, to ensure that the drug  
15 and alcohol recovery houses provide a safe environment for  
16 residents. The regulations may include, but not be limited to,  
17 the following:~~

~~18 (1) Upon admission, ensuring that residents are informed  
19 of all drug and alcohol recovery house rules, residency  
20 requirements and lease agreements.~~

~~21 (2) Policies and procedures for management of all funds  
22 received and expended by the drug and alcohol recovery house  
23 in accordance with standard accounting practices, including  
24 funds received from or managed on behalf of residents of the  
25 house. As used in this paragraph, the term "funds" does not  
26 include public assistance benefits, including, but not  
27 limited to, medical assistance, cash assistance and food  
28 stamps.~~

~~29 (3) Policies and procedures addressing the safety and  
30 protection of residents.~~

1 ~~(4) Policies that promote recovery by requiring resident~~  
2 ~~participation in treatment, self help groups or other~~  
3 ~~recovery supports.~~

4 ~~(5) Policies requiring abstinence from alcohol and other~~  
5 ~~illicit drugs.~~

6 ~~(6) Procedures regarding appropriate use and security of~~  
7 ~~medication.~~

8 ~~(7) The maintenance of the property in which the drug~~  
9 ~~and alcohol recovery house is located, including, but not~~  
10 ~~limited to, the installation of functioning smoke detectors,~~  
11 ~~carbon monoxide detectors and fire extinguishers.~~

12 ~~(8) Policies and procedures which prohibit an owner,~~  
13 ~~house administrator or employee of a drug and alcohol~~  
14 ~~recovery house from requiring a resident to sign any document~~  
15 ~~for the purpose of relinquishing the resident's public~~  
16 ~~assistance benefits, including, but not limited to, medical~~  
17 ~~assistance, cash assistance and food stamps.~~

18 ~~(b) Temporary regulations. In order to facilitate the~~  
19 ~~prompt implementation of this chapter, regulations promulgated~~  
20 ~~by the department shall be deemed temporary regulations that~~  
21 ~~shall not expire for a period of three years following~~  
22 ~~publication. Temporary regulations shall not be subject to:~~

23 ~~(1) Sections 201, 202, 203, 204 and 205 of the act of~~  
24 ~~July 31, 1968 (P.L.769, No.240), referred to as the~~  
25 ~~Commonwealth Documents Law.~~

26 ~~(2) Sections 204(b) and 301(10) of the act of October~~  
27 ~~15, 1980 (P.L.950, No.164), known as the Commonwealth~~  
28 ~~Attorneys Act.~~

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

1 ~~(c) Expiration of authority. The authority of the~~  
2 ~~department to promulgate temporary regulations under subsection~~  
3 ~~(b) shall expire three years after the effective date of this~~  
4 ~~section. Regulations adopted after this period shall be~~  
5 ~~promulgated as provided by law.~~

6 ~~Section 2314 A. Funding.~~

7 ~~A drug and alcohol recovery house or other recovery house~~  
8 ~~shall not be authorized to provide services or receive funding~~  
9 ~~from the department or any Federal, State or county agency~~  
10 ~~without licensure or certification.~~

11 ~~Section 2315 A. Licensure or certification.~~

12 ~~(a) Time period. Licensure or certification shall last for~~  
13 ~~a period of two years.~~

14 ~~(b) Compliance of existing drug and alcohol recovery~~  
15 ~~houses. A drug and alcohol recovery house in existence on the~~  
16 ~~effective date of this section may be deemed licensed or~~  
17 ~~certified by the department after inspection and if the drug and~~  
18 ~~alcohol recovery house provides documentation to the department~~  
19 ~~within 180 days after the promulgation of regulations by the~~  
20 ~~department that it is in compliance with the regulations~~  
21 ~~promulgated by the department.~~

22 ~~(c) Fee. The department shall establish a fee to be paid by~~  
23 ~~each drug and alcohol recovery house adequate to carry out the~~  
24 ~~provisions of this subarticle.~~

25 ~~Section 2316 A. Registry.~~

26 ~~The department shall create and maintain a publicly~~  
27 ~~accessible registry on its publicly accessible Internet website~~  
28 ~~of all licensed or certified drug and alcohol recovery houses~~  
29 ~~within this Commonwealth, which shall be updated annually by the~~  
30 ~~department.~~

1 ~~Section 2317 A. Violations.~~

2 ~~(a) Penalties. A person owning a drug and alcohol recovery~~  
3 ~~house that is funded, in whole or in part, with funding from the~~  
4 ~~department, or a Federal, other State or county agency, that has~~  
5 ~~failed to attain or maintain licensure or certification of a~~  
6 ~~drug and alcohol recovery house and has not been licensed or~~  
7 ~~certified by the department shall pay a fine of \$1,000 for each~~  
8 ~~violation.~~

9 ~~(b) Referral. If the department determines a drug and~~  
10 ~~alcohol recovery house is not in compliance with this article~~  
11 ~~due to an alleged violation of any Federal, State or local law,~~  
12 ~~the department shall refer the matter to the appropriate agency~~  
13 ~~for investigation.~~

14 ~~Section 2318 A. 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 subarticle.~~

20 ~~Section 2319 A. 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 3. This act shall take effect in 120 days.~~

27 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <--  
28 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING AN  
29 ARTICLE TO READ:

30 ARTICLE XXIII-C

1 CERTIFIED DRUG AND ALCOHOL

2 RECOVERY HOUSE

3 SECTION 2301-C. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "CERTIFICATE OF COMPLIANCE" OR "CERTIFICATION." INCLUDES A  
8 LICENSE TO OPERATE A DRUG AND ALCOHOL RECOVERY HOUSE.

9 "CERTIFIED." HAVING A VALID CERTIFICATE OF COMPLIANCE FROM  
10 THE DEPARTMENT OR LICENSED BY THE DEPARTMENT FOR THE OPERATION  
11 OF A DRUG AND ALCOHOL RECOVERY HOUSE.

12 "DEPARTMENT." THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OF  
13 THE COMMONWEALTH.

14 "DRUG AND ALCOHOL RECOVERY HOUSE." A GROUP HOUSING  
15 ARRANGEMENT THAT MEETS ALL OF THE FOLLOWING:

16 (1) PROVIDES A TRANSITIONAL LIVING SITUATION THAT MAY BE  
17 UTILIZED BETWEEN RESIDENTIAL TREATMENT AND INDEPENDENT LIVING  
18 IN THE COMMUNITY.

19 (2) PROVIDES SAFE RECOVERY ENVIRONMENTS RECOGNIZING  
20 MULTIPLE PATHWAYS TO RECOVERY FOR INDIVIDUALS WHO ARE NOT  
21 READY TO LIVE ON THEIR OWN BUT WHO ARE MOTIVATED IN RECOVERY  
22 AND CAN THRIVE IN AN ENVIRONMENT PROVIDING LIMITED STRUCTURE.

23 (3) REQUIRES RESIDENTS TO PAY TO LIVE AND COHABITATE IN  
24 A FAMILY-LIKE SETTING SHARING COMMON LIVING AREAS AND  
25 SUPPORTING EACH OTHER IN THE RECOVERY PROCESS.

26 (4) PROVIDES A PEER-SUPPORTED, ALCOHOL-FREE AND DRUG-  
27 FREE LIVING ENVIRONMENT WHICH MAY ALSO BE DESCRIBED AS A  
28 SOBER HOUSE OR A HOUSE WHERE THERE ARE RESIDENTS IN RECOVERY  
29 FROM ALCOHOL OR OTHER DRUG ADDICTION.

30 "HOUSE ADMINISTRATOR." THE INDIVIDUAL RESPONSIBLE FOR THE



1 OVERALL MANAGEMENT OF A CERTIFIED DRUG AND ALCOHOL RECOVERY  
2 HOUSE, INCLUDING THE SUPERVISION OF EACH RESIDENT AND STAFF  
3 EMPLOYED BY OR VOLUNTEERING FOR THE CERTIFIED DRUG AND ALCOHOL  
4 RECOVERY HOUSE.

5 SECTION 2302-C. DUTIES OF DEPARTMENT.

6 (A) CERTIFICATION.--THE DEPARTMENT SHALL ESTABLISH STANDARDS  
7 FOR THE PURPOSE OF DEVELOPING AND ADMINISTERING CERTIFICATION OF  
8 A DRUG AND ALCOHOL RECOVERY HOUSE.

9 (B) PROCESS.--THE DEPARTMENT SHALL ESTABLISH A PROCESS TO:

10 (1) ADMINISTER THE APPLICATION, CERTIFICATION,  
11 RECERTIFICATION AND DISCIPLINARY PROCESSES.

12 (2) MONITOR AND INSPECT A CERTIFIED DRUG AND ALCOHOL  
13 RECOVERY HOUSE AND THE STAFF OF A CERTIFIED DRUG AND ALCOHOL  
14 RECOVERY HOUSE TO ENSURE COMPLIANCE WITH CERTIFICATION  
15 REQUIREMENTS. THE DEPARTMENT MAY AUTHORIZE SINGLE COUNTY  
16 AUTHORITIES TO PERFORM THE ACTIONS UNDER THIS PARAGRAPH.

17 (3) ESTABLISH APPLICATION, INSPECTION AND ANNUAL  
18 CERTIFICATION RENEWAL FEES.

19 (C) DOCUMENTATION.--THE DEPARTMENT SHALL REQUIRE A DRUG AND  
20 ALCOHOL RECOVERY HOUSE TO SUBMIT THE FOLLOWING DOCUMENTS WITH  
21 THE COMPLETED APPLICATION AND FEE:

22 (1) A POLICY AND PROCEDURES MANUAL CONTAINING:

23 (I) JOB DESCRIPTIONS FOR EACH STAFF POSITION.

24 (II) DRUG TESTING PROCEDURES AND REQUIREMENTS.

25 (III) A PROHIBITION ON THE PREMISES AGAINST ALCOHOL,  
26 ILLEGAL DRUGS AND THE USE OF PRESCRIBED MEDICATIONS BY AN  
27 INDIVIDUAL OTHER THAN THE INDIVIDUAL FOR WHOM THE  
28 MEDICATION IS PRESCRIBED.

29 (IV) POLICIES TO SUPPORT A RESIDENT'S RECOVERY  
30 EFFORTS.

1           (V) A GOOD NEIGHBOR POLICY TO ADDRESS NEIGHBORHOOD  
2           CONCERNS.

3           (VI) THE MAINTENANCE OF THE PROPERTY, INCLUDING  
4           SAFETY EXITS, THE INSTALLATION OF SMOKE DETECTORS AND  
5           FIRE EXTINGUISHERS.

6           (2) RULES FOR RESIDENTS.

7           (3) COPIES OF EACH FORM PROVIDED TO RESIDENTS.

8           (4) INTAKE PROCEDURES.

9           (5) RELAPSE POLICY.

10          (6) FEE SCHEDULE.

11          (7) REFUND POLICY.

12          (8) EVICTION PROCEDURES AND POLICY.

13          (9) CODE OF ETHICS.

14          (10) PROOF OF MEETING INSURANCE REQUIREMENTS.

15          (11) CRIMINAL HISTORY RECORD CHECK REQUIREMENTS.

16          (12) REQUIREMENTS FOR PROOF OF SATISFACTORY FIRE, SAFETY  
17          AND HEALTH INSPECTIONS.

18          (13) INFORMATION REGARDING OWNERSHIP.

19          (D) INSPECTION.--THE DEPARTMENT OR A SINGLE COUNTY AUTHORITY  
20          SHALL CONDUCT AN ONSITE INSPECTION OF A DRUG AND ALCOHOL  
21          RECOVERY HOUSE BEFORE ISSUING A CERTIFICATE OF COMPLIANCE.

22          ONSITE FOLLOW-UP MONITORING OF A CERTIFIED DRUG AND ALCOHOL  
23          RECOVERY HOUSE MAY BE CONDUCTED TO DETERMINE CONTINUING  
24          COMPLIANCE WITH CERTIFICATION REQUIREMENTS AND MAY BE INITIATED  
25          AS A RESULT OF A COMPLAINT TO THE DEPARTMENT FOR NONCOMPLIANCE.

26          (E) CRIMINAL HISTORY RECORD CHECKS.--THE DEPARTMENT SHALL  
27          REQUIRE ALL OWNERS, DIRECTORS, CHIEF FINANCIAL OFFICERS,  
28          APPLICANTS, EMPLOYEES AND VOLUNTEERS OF A DRUG AND ALCOHOL  
29          RECOVERY HOUSE TO UNDERGO CRIMINAL HISTORY RECORD CHECKS.

30          (F) CERTIFICATE OF COMPLIANCE.--THE DEPARTMENT SHALL ISSUE A

1 CERTIFICATE OF COMPLIANCE UPON APPROVAL OF THE APPLICATION AND  
2 INSPECTION. THE CERTIFICATION SHALL AUTOMATICALLY TERMINATE IF  
3 NOT RENEWED WITHIN ONE YEAR AFTER THE DATE OF ISSUANCE.

4 (G) DENIAL, SUSPENSION OR REVOCATION.--

5 (1) THE DEPARTMENT SHALL DENY A DRUG AND ALCOHOL  
6 RECOVERY HOUSE'S APPLICATION FOR CERTIFICATION AND MAY  
7 SUSPEND OR REVOKE A CERTIFICATION IF THE DRUG AND ALCOHOL  
8 RECOVERY HOUSE:

9 (I) IS NOT IN COMPLIANCE WITH THIS ARTICLE;

10 (II) HAS FAILED TO REMEDY A DEFICIENCY IDENTIFIED BY  
11 THE DEPARTMENT WITHIN THE TIME PERIOD SPECIFIED;

12 (III) PROVIDED FALSE, MISLEADING OR INCOMPLETE  
13 INFORMATION;

14 (IV) HAS DELINQUENT STATE TAXES; OR

15 (V) KNOWINGLY HAS A HOUSE ADMINISTRATOR, AN OWNER, A  
16 DIRECTOR OR A CHIEF FINANCIAL OFFICER WHO IS SUBJECT TO  
17 THE DISQUALIFYING OFFENSES UNDER SECTION 2304-C(B) OR WHO  
18 HAS BEEN CONVICTED OF ONE OF THE FOLLOWING CRIMINAL  
19 OFFENSES WITHIN THE PAST TWO YEARS:

20 (A) AN OFFENSE DESIGNATED AS A FELONY UNDER 18  
21 PA.C.S. (RELATING TO CRIMES AND OFFENSES).

22 (B) AN OFFENSE DESIGNATED AS A FELONY UNDER THE  
23 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
24 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

25 (C) ANY ATTEMPT, SOLICITATION OR CONSPIRACY TO  
26 COMMIT AN OFFENSE UNDER CLAUSE (A) OR (B).

27 (2) A CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE SHALL  
28 REMOVE A HOUSE ADMINISTRATOR, AN OWNER, A DIRECTOR OR A CHIEF  
29 FINANCIAL OFFICER IF THE CERTIFIED DRUG AND ALCOHOL RECOVERY  
30 HOUSE KNOWS THAT THE INDIVIDUAL HAS BEEN CONVICTED OF ANY OF

1 THE OFFENSES UNDER PARAGRAPH (1) (V) WITHIN THE PAST TWO YEARS  
2 AND SHALL NOTIFY THE DEPARTMENT OF THE REMOVAL. THE  
3 DEPARTMENT SHALL REVIEW ANY DENIAL, SUSPENSION OR REVOCATION  
4 UNDER THIS SUBSECTION IN LIGHT OF THE REMOVAL.

5 SECTION 2303-C. ADVERTISEMENT.

6 NO PERSON MAY ADVERTISE TO THE PUBLIC A DRUG AND ALCOHOL  
7 RECOVERY HOUSE AS A CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE  
8 UNLESS THE DRUG AND ALCOHOL RECOVERY HOUSE HAS SECURED A  
9 CERTIFICATE OF COMPLIANCE UNDER THIS ARTICLE.

10 SECTION 2304-C. CRIMINAL HISTORY RECORD CHECKS.

11 (A) REQUIREMENT.--

12 (1) AN APPLICANT FOR CERTIFICATION AND AN OWNER, A  
13 DIRECTOR, A CHIEF FINANCIAL OFFICER, AN EMPLOYEE OR A  
14 VOLUNTEER OF A DRUG AND ALCOHOL RECOVERY HOUSE MUST UNDERGO A  
15 CRIMINAL HISTORY RECORD CHECK.

16 (2) AN APPLICANT WHO APPLIES TO THE DEPARTMENT FOR A  
17 CERTIFICATE SHALL INCLUDE A CRIMINAL HISTORY RECORD FOR EVERY  
18 OWNER, DIRECTOR, CHIEF FINANCIAL OFFICER, EMPLOYEE OR  
19 VOLUNTEER AT THE DRUG AND ALCOHOL RECOVERY HOUSE.

20 (B) DISQUALIFICATION.--

21 (1) NO CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE MAY  
22 HIRE A HOUSE ADMINISTRATOR, DIRECTOR OR CHIEF FINANCIAL  
23 OFFICER IF THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INDICATES  
24 THAT THE INDIVIDUAL HAS BEEN CONVICTED OF ONE OR MORE OF THE  
25 FOLLOWING OFFENSES WITHIN THE PAST TWO YEARS:

26 (I) AN OFFENSE DESIGNATED AS A FELONY UNDER 18  
27 PA.C.S. (RELATING TO CRIMES AND OFFENSES).

28 (II) AN OFFENSE DESIGNATED AS A FELONY UNDER THE ACT  
29 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
30 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

1           (III) ANY ATTEMPT, SOLICITATION OR CONSPIRACY TO  
2           COMMIT AN OFFENSE UNDER SUBPARAGRAPH (I) OR (II).

3           (2) NO CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE MAY BE  
4           OWNED BY AN INDIVIDUAL OR HIRE A HOUSE ADMINISTRATOR,  
5           DIRECTOR OR CHIEF FINANCIAL OFFICER IF THE INDIVIDUAL'S  
6           CRIMINAL HISTORY RECORD INDICATES THAT THE INDIVIDUAL HAS  
7           BEEN CONVICTED OF ONE OR MORE OF THE FOLLOWING OFFENSES UNDER  
8           18 PA.C.S. OR AN EQUIVALENT CRIME UNDER FEDERAL LAW OR THE  
9           LAW OF ANOTHER STATE:

10           (I) CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

11           (II) SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

12           (III) SECTION 2709.1 (RELATING TO STALKING).

13           (IV) SECTION 2901 (RELATING TO KIDNAPPING).

14           (V) SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

15           (VI) SECTION 3001 (RELATING TO TRAFFICKING IN  
16           INDIVIDUALS).

17           (VII) SECTION 3012 (RELATING TO INVOLUNTARY  
18           SERVITUDE).

19           (VIII) SECTION 3121 (RELATING TO RAPE).

20           (IX) SECTION 3122.1 (RELATING TO STATUTORY SEXUAL  
21           ASSAULT).

22           (X) SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE  
23           SEXUAL INTERCOURSE).

24           (XI) SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

25           (XII) SECTION 3125 (RELATING TO AGGRAVATED INDECENT  
26           ASSAULT).

27           (XIII) SECTION 3126 (RELATING TO INDECENT ASSAULT).

28           (XIV) SECTION 3301 (RELATING TO ARSON AND RELATED  
29           OFFENSES).

30           (XV) SECTION 3701 (RELATING TO ROBBERY).

1           (XVI) A FELONY OFFENSE UNDER CHAPTER 41 (RELATING TO  
2 FORGERY AND FRAUDULENT PRACTICES), WITH THE EXCEPTION OF  
3 AN OFFENSE UNDER ANY OF THE FOLLOWING:

4           (A) SECTION 4101 (RELATING TO FORGERY).

5           (B) SECTION 4106 (RELATING TO ACCESS DEVICE  
6 FRAUD).

7           (XVII) SECTION 4114 (RELATING TO SECURING EXECUTION  
8 OF DOCUMENTS BY DECEPTION).

9           (XVIII) SECTION 4302 (RELATING TO INCEST).

10          (XIX) SECTION 4303 (RELATING TO CONCEALING DEATH OF  
11 CHILD).

12          (XX) SECTION 4304 (RELATING TO ENDANGERING WELFARE  
13 OF CHILDREN).

14          (XXI) SECTION 4305 (RELATING TO DEALING IN INFANT  
15 CHILDREN).

16          (XXII) SECTION 4952 (RELATING TO INTIMIDATION OF  
17 WITNESSES OR VICTIMS).

18          (XXIII) SECTION 4953 (RELATING TO RETALIATION  
19 AGAINST WITNESS, VICTIM OR PARTY).

20          (XXIV) A FELONY OFFENSE UNDER SECTION 5902(B)  
21 (RELATING TO PROSTITUTION AND RELATED OFFENSES).

22          (XXV) SECTION 5903(C) OR (D) (RELATING TO OBSCENE  
23 AND OTHER SEXUAL MATERIALS AND PERFORMANCES).

24          (XXVI) SECTION 6301 (RELATING TO CORRUPTION OF  
25 MINORS).

26          (XXVII) SECTION 6312 (RELATING TO SEXUAL ABUSE OF  
27 CHILDREN).

28          (XXVIII) THE ATTEMPT, SOLICITATION OR CONSPIRACY TO  
29 COMMIT ANY OF THE OFFENSES UNDER THIS PARAGRAPH.

30          (C) COSTS.--THE COSTS ASSOCIATED WITH A CRIMINAL HISTORY

1 RECORD CHECK UNDER THIS SECTION SHALL BE THE RESPONSIBILITY OF  
2 THE INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORD  
3 CHECK.

4 SECTION 2305-C. HOUSE ADMINISTRATOR.

5 (A) COMPETENCY.--A CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE  
6 SHALL EMPLOY A HOUSE ADMINISTRATOR WHO HAS THE COMPETENCY  
7 NECESSARY TO RESPOND ON A TIMELY BASIS TO THE NEEDS OF RESIDENTS  
8 AND MAINTAIN PROPERTY STANDARDS.

9 (B) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH THE  
10 FOLLOWING IN REGARD TO A HOUSE ADMINISTRATOR:

11 (1) STANDARDS AND CRITERIA FOR THE PURPOSE OF DEVELOPING  
12 AND ADMINISTERING CERTIFICATION.

13 (2) CORE COMPETENCIES, CERTIFICATION REQUIREMENTS,  
14 TESTING INSTRUMENTS AND RECERTIFICATION REQUIREMENTS.

15 (3) A PROCESS TO ADMINISTER THE CERTIFICATION,  
16 APPLICATION, AWARD AND MAINTENANCE PROCESSES.

17 (4) MINIMUM REQUIREMENTS OF TRAINING, WORK EXPERIENCE,  
18 SUPERVISION AND A DISCIPLINARY PROCESS OF CERTIFIED PERSONS.

19 (5) APPLICATION, CERTIFICATION AND ANNUAL CERTIFICATION  
20 RENEWAL FEES ADEQUATE TO CARRY OUT THE PROVISIONS OF THIS  
21 ARTICLE.

22 (C) CRIMINAL HISTORY RECORD CHECKS.--A CERTIFIED HOUSE  
23 ADMINISTRATOR MUST PASS A CRIMINAL HISTORY RECORD CHECK AS  
24 PROVIDED UNDER SECTION 2304-C.

25 (D) TERMINATION.--CERTIFICATION SHALL AUTOMATICALLY  
26 TERMINATE IF NOT RENEWED WITHIN ONE YEAR AFTER THE DATE OF  
27 ISSUANCE.

28 (E) INELIGIBILITY.--AN INDIVIDUAL WHOSE CRIMINAL HISTORY  
29 RECORD INDICATES THAT THE INDIVIDUAL HAS BEEN CONVICTED OF ONE  
30 OR MORE OF THE DISQUALIFYING OFFENSES UNDER SECTION 2304-C(B)(1)

1 SHALL BE INELIGIBLE TO BECOME A HOUSE ADMINISTRATOR.

2 (F) ADVERTISEMENT.--

3 (1) NO INDIVIDUAL MAY ADVERTISE HIMSELF OR HERSELF TO  
4 THE PUBLIC AS A CERTIFIED HOUSE ADMINISTRATOR UNLESS THE  
5 INDIVIDUAL HAS SECURED A CERTIFICATE OF COMPLIANCE UNDER THIS  
6 SECTION.

7 (2) AN INDIVIDUAL WHO VIOLATES THIS SUBSECTION COMMITS A  
8 MISDEMEANOR OF THE SECOND DEGREE.

9 (G) MANAGEMENT.--A HOUSE ADMINISTRATOR MAY NOT ACTIVELY  
10 MANAGE MORE THAN THREE DRUG AND ALCOHOL RECOVERY HOUSES AT THE  
11 SAME TIME.

12 SECTION 2306-C. STANDARDS.

13 (A) CONTENTS.--THE STANDARDS DEVELOPED BY THE DEPARTMENT  
14 UNDER THIS ARTICLE SHALL ADDRESS THE FOLLOWING AREAS AND SHALL  
15 INCLUDE, BUT NOT BE LIMITED TO:

16 (1) POLICIES AND PROCEDURES TO ENSURE THAT, UPON  
17 ADMISSION, RESIDENTS ARE INFORMED OF ALL CERTIFIED DRUG AND  
18 ALCOHOL RECOVERY HOUSE RULES, RESIDENCY REQUIREMENTS AND  
19 LEASE AGREEMENTS.

20 (2) POLICIES AND PROCEDURES FOR THE ESTABLISHMENT AND  
21 MAINTENANCE OF AN ACCOUNTING SYSTEM THAT FULLY DOCUMENTS EACH  
22 FINANCIAL TRANSACTION, INCLUDING EACH FINANCIAL TRANSACTION  
23 OF EACH RESIDENT.

24 (3) POLICIES AND PROCEDURES ADDRESSING THE SAFETY AND  
25 PROTECTION OF EACH RESIDENT AND THE COMMUNITY.

26 (4) POLICIES THAT PROMOTE RECOVERY BY REQUIRING RESIDENT  
27 PARTICIPATION IN TREATMENT, SELF-HELP GROUPS OR OTHER  
28 RECOVERY SUPPORTS.

29 (5) POLICIES REQUIRING ABSTINENCE FROM ALCOHOL AND OTHER  
30 DRUGS.



1           (6) PROCEDURES REGARDING APPROPRIATE USE AND SECURITY OF  
2 MEDICATION.

3           (7) THE MAINTENANCE OF THE PROPERTY AND THE GROUNDS IN  
4 WHICH THE CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE IS  
5 LOCATED, INCLUDING, BUT NOT LIMITED TO, SAFETY EXITS AND THE  
6 INSTALLATION OF FUNCTIONING SMOKE DETECTORS AND FIRE  
7 EXTINGUISHERS.

8           (8) GENERAL SAFETY AND EMERGENCY PROCEDURES, INCLUDING  
9 PROVISIONS FOR FIRE DRILLS AND THE EVACUATION AND TRANSFER OF  
10 RESIDENTS AND STAFF TO A SAFE LOCATION, ASSIGNMENT OF STAFF  
11 DURING EMERGENCIES AND NOTIFICATION TO THE DEPARTMENT DURING  
12 AN EMERGENCY.

13           (9) PROCEDURES, INCLUDING REFERRAL AGREEMENTS, TO HANDLE  
14 RELAPSE.

15           (B) (RESERVED).

16 SECTION 2307-C. CODE OF ETHICS.

17           (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH A CODE OF  
18 ETHICS FOR CERTIFIED ALCOHOL AND DRUG RECOVERY HOUSES TO SATISFY  
19 AS A CONDITION OF EMPLOYMENT. THE CODE OF ETHICS SHALL ADDRESS,  
20 BUT NOT BE LIMITED TO, THE FOLLOWING:

21           (1) THE CONFIDENTIALITY OF CLIENT-IDENTIFYING  
22 INFORMATION.

23           (2) KNOWLEDGE OF HOW TO ACCESS TREATMENT RESOURCES IN  
24 THE COMMUNITY, INCLUDING KNOWLEDGE OF THE SINGLE COUNTY  
25 AUTHORITY AND THE AUTHORITY'S ASSESSMENT AND REFERRAL  
26 PROTOCOL.

27           (3) MAINTAINING AN ALCOHOL-FREE AND ILLICIT DRUG-FREE  
28 ENVIRONMENT.

29           (4) THE PROCESS FOR A RESIDENT TO REPORT AN ETHICAL OR  
30 STANDARDS VIOLATION.

1           (5) PROHIBITING RETRIBUTION, INTIMIDATION OR ANY  
2 NEGATIVE CONSEQUENCES TO A RESIDENT IF A GRIEVANCE OR  
3 COMPLAINT HAS BEEN FILED.

4           (6) PROHIBITING AN OWNER OR HOUSE ADMINISTRATOR FROM  
5 DIRECTLY OR INDIRECTLY SOLICITING OR ACCEPTING A COMMISSION,  
6 FEE OR ANYTHING OF MONETARY OR MATERIAL VALUE FROM A  
7 RESIDENT, OTHER RELATED INDIVIDUAL, THIRD-PARTY ENTITY OR  
8 REFERRAL SOURCE BEYOND SPECIFIED RENT ESTABLISHED IN WRITING  
9 AT THE TIME OF RESIDENCY.

10           (7) THAT NO OWNER, HOUSE ADMINISTRATOR OR EMPLOYEE MAY  
11 BECOME PERSONALLY INVOLVED WITH A RESIDENT'S FINANCIAL  
12 AFFAIRS, INCLUDING BORROWING OR LENDING MONEY, BUYING OR  
13 SELLING PROPERTY OR ANY OTHER FINANCIAL TRANSACTIONS.

14           (8) THAT NO OWNER, HOUSE ADMINISTRATOR OR EMPLOYEE MAY  
15 REQUIRE A RESIDENT TO SIGN OVER ANY PUBLIC ASSISTANCE  
16 BENEFITS, INCLUDING, BUT NOT LIMITED TO, MEDICAL ASSISTANCE,  
17 CASH ASSISTANCE AND FOOD STAMPS.

18           (9) THAT NO OWNER, HOUSE ADMINISTRATOR OR EMPLOYEE MAY  
19 OFFER, PAY, SOLICIT OR RECEIVE A COMMISSION, BONUS OR REBATE,  
20 DIRECTLY OR INDIRECTLY, IN CASH OR IN-KIND, OR ENGAGE IN A  
21 SPLIT-FEE ARRANGEMENT, IN ANY FORM, FOR ANY OF THE FOLLOWING:

22           (I) TO INDUCE THE REFERRAL OF PATIENTS OR PATRONAGE  
23 TO OR FROM A HEALTH CARE PROVIDER OR HEALTH CARE FACILITY  
24 OR OTHER THIRD-PARTY ENTITY; OR

25           (II) IN RETURN FOR THE ACCEPTANCE OR ACKNOWLEDGMENT  
26 OF SERVICES FROM A HEALTH CARE PROVIDER, HEALTH CARE  
27 FACILITY OR THIRD-PARTY ENTITY.

28           (B) POSTING.--THE CODE OF ETHICS SHALL BE POSTED ON THE  
29 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.  
30 SECTION 2308-C. REGISTRY.

1 (A) DUTY TO ESTABLISH.--THE DEPARTMENT SHALL ESTABLISH AND  
2 MAINTAIN A REGISTRY OF ALL CERTIFIED DRUG AND ALCOHOL RECOVERY  
3 HOUSES IN THIS COMMONWEALTH.

4 (B) POSTING.--THE REGISTRY SHALL BE POSTED ON THE  
5 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.  
6 SECTION 2309-C. FUNDING.

7 NO DRUG AND ALCOHOL RECOVERY HOUSE MAY RECEIVE FUNDING FROM  
8 THE DEPARTMENT OR A STATE AGENCY WITHOUT CERTIFICATION.  
9 SECTION 2310-C. VIOLATIONS.

10 (A) ADMINISTRATIVE PENALTY.--IF THE DEPARTMENT DETERMINES A  
11 CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE IS NOT IN COMPLIANCE  
12 WITH THIS ARTICLE, THE DEPARTMENT MAY IMPOSE AN ADMINISTRATIVE  
13 PENALTY OF UP TO \$1,000 PER DAY AGAINST THE DRUG AND ALCOHOL  
14 RECOVERY HOUSE.

15 (B) REFERRAL.--IF THE DEPARTMENT DETERMINES A DRUG AND  
16 ALCOHOL RECOVERY HOUSE IS NOT IN COMPLIANCE WITH THIS ARTICLE  
17 DUE TO AN ALLEGED VIOLATION OF ANY FEDERAL, STATE OR LOCAL LAW,  
18 THE DEPARTMENT SHALL REFER THE MATTER TO THE APPROPRIATE AGENCY  
19 FOR INVESTIGATION.

20 SECTION 2311-C. CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE  
21 ACCOUNT.

22 THE CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE ACCOUNT IS  
23 ESTABLISHED AS A RESTRICTED ACCOUNT IN THE STATE TREASURY. EACH  
24 FINE AND FEE COLLECTED UNDER THIS ARTICLE SHALL BE DEPOSITED  
25 INTO THE ACCOUNT. FUNDS IN THE ACCOUNT SHALL BE UTILIZED FOR THE  
26 ENFORCEMENT OF THIS ARTICLE.

27 SECTION 2312-C. COMPLIANCE WITH OTHER LAWS.

28 NOTHING IN THIS ACT SHALL PREVENT OR OTHERWISE RESTRICT A  
29 DRUG AND ALCOHOL RECOVERY HOUSE FROM COMPLYING WITH THE  
30 AMERICANS WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104

1 STAT. 327) OR OTHER APPLICABLE FEDERAL, STATE OR LOCAL LAW.

2 SECTION 2313-C. REGULATIONS.

3 THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO ADMINISTER  
4 THIS ARTICLE AND SHALL CONSIDER DEVELOPING WAYS TO ENCOURAGE THE  
5 REFERRAL TO DRUG AND ALCOHOL RECOVERY HOUSES THAT ARE IN FULL  
6 COMPLIANCE WITH THIS ARTICLE.

7 SECTION 2. THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.