
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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 8, 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 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

5 (a) General Provisions

6 Section 2. Article XXIII-A of the act is amended by adding a
7 subarticle to read:

8 (b) Drug and Alcohol Recovery Houses

9 Section 2311-A. Definitions.

10 The following words and phrases when used in this subarticle
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Department." The Department of Drug and Alcohol Programs of
14 the Commonwealth.

15 "Drug and alcohol recovery house." Housing for individuals
16 recovering from drug or alcohol addiction, which provides those
17 individuals with a safe and supportive drug and alcohol-free
18 environment, peer support and other recovery support services
19 that may include coordination of treatment services.

20 Section 2312-A. Powers and duties of department.

21 (A) CERTIFICATION AND REFERRALS.--The department shall <--
22 license or certify drug and alcohol recovery houses directly or
23 through a contracted entity, as defined by department
24 guidelines, which shall MAY adhere to National Alliance for <--
25 Recovery Residences standards with modifications deemed
26 necessary by the department AND MAY CONSIDER THE RECOMMENDATIONS <--
27 OF THE CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSING TASK FORCE.
28 All referrals from State agencies or State-funded facilities
29 shall be to licensed or certified drug and alcohol recovery
30 houses, and only licensed or certified recovery houses may be

1 eligible to receive Federal or State funding to deliver drug and
2 alcohol recovery housing services. INDIVIDUALS WHOSE TREATMENT <--
3 IS FUNDED WITH FEDERAL OR STATE FUNDING SHALL ONLY BE REFERRED
4 TO A CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE. A STATE OR
5 COUNTY COURT MAY REQUIRE AN INDIVIDUAL UNDER THE JURISDICTION OF
6 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE TO RESIDE IN A
7 CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE. REFERRALS TO A
8 CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE MADE UNDER THIS
9 SECTION SHALL BE MADE BASED ON CERTIFIED DRUG AND ALCOHOL
10 RECOVERY HOUSE AVAILABILITY.

11 (B) TIMING.--LICENSURE OR CERTIFICATION SHALL OCCUR NO LATER
12 THAN TWO YEARS FROM THE EFFECTIVE DATE OF THIS SECTION.

13 Section 2313-A. Regulations for licensure or certification of
14 drug and alcohol recovery houses.

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

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

25 (2) Policies and procedures for management of all funds
26 received and expended by the drug and alcohol recovery house
27 in accordance with standard accounting practices, including
28 funds received from or managed on behalf of residents of the
29 house. As used in this paragraph, the term "funds" does not
30 include public assistance benefits, including, but not

1 limited to, medical assistance, cash assistance and food
2 stamps.

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

5 (4) Policies that promote recovery by requiring resident
6 participation in treatment, self-help groups or other
7 recovery supports.

8 (5) Policies requiring abstinence from alcohol and other
9 illicit drugs.

10 (6) Procedures regarding appropriate use and security of
11 medication.

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

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

22 (9) POLICIES PROHIBITING AN OWNER, HOUSE ADMINISTRATOR <--
23 OR EMPLOYEE FROM OFFERING, PAYING, SOLICITING OR RECEIVING A
24 COMMISSION, BONUS OR REBATE, DIRECTLY OR INDIRECTLY, IN CASH
25 OR IN KIND, OR ENGAGING IN A SPLIT-FEE ARRANGEMENT FOR ANY OF
26 THE FOLLOWING:

27 (I) TO INDUCE THE REFERRAL OF PATIENTS OR PATRONAGE
28 TO OR FROM A HEALTH CARE PROVIDER, HEALTH CARE FACILITY
29 OR OTHER THIRD-PARTY ENTITY; OR

30 (II) IN RETURN FOR THE ACCEPTANCE OR ACKNOWLEDGMENT

1 OF SERVICES FROM A HEALTH CARE PROVIDER, HEALTH CARE
2 FACILITY OR THIRD-PARTY ENTITY.

3 (10) PROCEDURES FOR THE HANDLING AND FOLLOW-UP OF
4 COMPLAINTS.

5 (11) REQUIREMENTS FOR CRIMINAL HISTORY BACKGROUND CHECKS
6 FOR AN OWNER, ADMINISTRATOR, CHIEF FINANCIAL OFFICER,
7 EMPLOYEE AND VOLUNTEER, INCLUDING FEES FOR CRIMINAL HISTORY
8 BACKGROUND CHECKS AND RESTRICTIONS ON INDIVIDUALS WHO HAVE
9 CERTAIN CONVICTIONS.

10 (12) REQUIREMENTS FOR NOTIFICATION OF A FAMILY MEMBER
11 UNDER CERTAIN CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO,
12 DEATH DUE TO AN OVERDOSE.

13 (13) REQUIREMENTS FOR A SUSPENSION AND REVOCATION OF
14 CERTIFICATION DUE TO NONCOMPLIANCE AND A REAPPLICATION
15 PROCESS.

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

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

24 (2) Sections 204(b) and 301(10) of the act of October
25 15, 1980 (P.L.950, No.164), known as the Commonwealth
26 Attorneys Act.

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

29 (c) Expiration of authority.--The authority of the
30 department to promulgate temporary regulations under subsection

1 (b) shall expire three years after the effective date of this
2 section. Regulations adopted after this period shall be
3 promulgated as provided by law.

4 Section 2314-A. Funding.

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

9 Section 2315-A. Licensure or certification.

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

12 (b) Compliance of existing drug and alcohol recovery
13 houses. ~~A drug and alcohol recovery house in existence on the~~ <--
14 HOUSES.-- <--

15 (1) A DRUG AND ALCOHOL RECOVERY HOUSE IN EXISTENCE ON
16 THE effective date of this section may be deemed licensed or
17 certified by the department after inspection and if the drug
18 and alcohol recovery house provides documentation to the
19 department within 180 days after the promulgation of
20 regulations by the department that it is in compliance with
21 the regulations ~~promulgated by the department.~~ INSPECTIONS <--
22 SHALL BE PERFORMED ON AN ANNUAL BASIS.

23 (2) THE INSPECTION REQUIRED UNDER PARAGRAPH (1) SHALL BE <--
24 COMPLETED BY THE DEPARTMENT, A SINGLE COUNTY AUTHORITY
25 APPROVED BY THE DEPARTMENT OR A CONTRACTED THIRD PARTY OF
26 EITHER.

27 (c) ~~Fee~~ FEES.--The department shall establish ~~a fee~~ FEES to <--
28 be paid by each drug and alcohol recovery house adequate to
29 carry out the provisions of this subarticle. FEES SHALL INCLUDE <--
30 THE APPLICATION FOR RECERTIFICATION DUE TO NONCOMPLIANCE.

1 Section 2316-A. 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 Section 2317-A. Violations.

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

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 2318-A. Restricted account.

21 All fines and fees collected shall be deposited into a
22 restricted account in the department which is established and
23 shall be known as the Drug and Alcohol Recovery House Fund.
24 Money in this account is to be utilized for the enforcement of
25 this subarticle.

26 Section 2319-A. Compliance with other laws.

27 In order to receive and maintain licensure or certification,
28 all drug and alcohol recovery houses must be in compliance with
29 all Federal, State and local ordinances. Failure to comply or
30 remain in compliance shall result in loss of licensure or

1 certification and removal from the registry.

2 Section 3. This act shall take effect in ~~120~~ 180 days.

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