

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 THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 12, 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;~~ PROVIDING FOR JUDICIAL ADMINISTRATION; and <--
22 prescribing the manner in which the number and compensation
23 of the deputies and all other assistants and employes of
24 certain departments, boards and commissions shall be
25 determined," in powers and duties of the Department of Drug
26 and Alcohol Programs, providing for drug and alcohol recovery
27 houses and establishing the Drug and Alcohol Recovery House
28 Fund; and making editorial changes.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

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

6 (a) General Provisions

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

9 ~~(b) Drug and Alcohol Recovery Houses~~ <--

10 ~~Section 2311 A. Definitions.~~

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

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

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

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

22 ~~(A) CERTIFICATION AND REFERRALS. The department shall~~ <--

23 ~~license or certify drug and alcohol recovery houses directly or~~
24 ~~through a contracted entity, as defined by department~~

25 ~~guidelines, which shall MAY adhere to National Alliance for~~ <--

26 ~~Recovery Residences standards with modifications deemed~~

27 ~~necessary by the department AND MAY CONSIDER THE RECOMMENDATIONS~~ <--

28 ~~OF THE CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSING TASK FORCE.~~

29 ~~All referrals from State agencies or State funded facilities~~
30 ~~shall be to licensed or certified drug and alcohol recovery~~

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

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

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

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

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

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

1 ~~include public assistance benefits, including, but not~~
2 ~~limited to, medical assistance, cash assistance and food~~
3 ~~stamps.~~

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

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

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

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

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

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

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

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

1 ~~(II) IN RETURN FOR THE ACCEPTANCE OR ACKNOWLEDGMENT~~
2 ~~OF SERVICES FROM A HEALTH CARE PROVIDER, HEALTH CARE~~
3 ~~FACILITY OR THIRD PARTY ENTITY.~~

4 ~~(10) PROCEDURES FOR THE HANDLING AND FOLLOW UP OF~~
5 ~~COMPLAINTS.~~

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

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

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

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

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

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

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

30 ~~(c) Expiration of authority. The authority of the~~

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

~~5 Section 2314 A. Funding.~~

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

~~10 Section 2315 A. Licensure or certification.~~

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

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

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

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

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

1 ~~THE APPLICATION FOR RECERTIFICATION DUE TO NONCOMPLIANCE.~~

2 ~~Section 2316 A. Registry.~~

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

8 ~~Section 2317 A. Violations.~~

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

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

21 ~~Section 2318 A. Restricted account.~~

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

27 ~~Section 2319 A. Compliance with other laws.~~

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

1 ~~remain in compliance shall result in loss of licensure or~~
2 ~~certification and removal from the registry.~~

3 (B) DRUG AND ALCOHOL RECOVERY HOUSES <--

4 SECTION 2311-A. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE
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 THAT MAY INCLUDE PEER SUPPORT AND OTHER RECOVERY
14 SUPPORT SERVICES.

15 SECTION 2312-A. POWERS AND DUTIES OF DEPARTMENT.

16 (A) LICENSURE OR CERTIFICATION.--THE DEPARTMENT SHALL <--
17 LICENSE OR CERTIFY DRUG AND ALCOHOL RECOVERY HOUSES. THE
18 FOLLOWING SHALL APPLY:

19 (1) ALL REFERRALS FROM STATE AGENCIES OR STATE-FUNDED
20 FACILITIES SHALL BE TO LICENSED OR CERTIFIED DRUG AND ALCOHOL
21 RECOVERY HOUSES.

22 (2) ONLY LICENSED OR CERTIFIED DRUG AND ALCOHOL RECOVERY
23 HOUSES MAY BE ELIGIBLE TO RECEIVE FEDERAL OR STATE FUNDING TO
24 DELIVER DRUG AND ALCOHOL RECOVERY HOUSING SERVICES.

25 (3) INDIVIDUALS WHOSE TREATMENT IS FUNDED WITH FEDERAL
26 OR STATE FUNDING SHALL ONLY BE REFERRED TO A CERTIFIED DRUG
27 AND ALCOHOL RECOVERY HOUSE.

28 (4) A STATE OR COUNTY COURT SHALL GIVE FIRST
29 CONSIDERATION TO A CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSE
30 WHEN RESIDENTIAL RECOMMENDATIONS ARE MADE FOR INDIVIDUALS

1 UNDER THEIR SUPERVISION.

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

4 SECTION 2313-A. REGULATIONS FOR LICENSURE OR CERTIFICATION OF
5 DRUG AND ALCOHOL RECOVERY HOUSES.

6 THE DEPARTMENT SHALL PROMULGATE FINAL-OMITTED REGULATIONS FOR
7 THE LICENSURE OR CERTIFICATION OF DRUG AND ALCOHOL RECOVERY
8 HOUSES THAT RECEIVE FUNDS OR REFERRALS FROM THE DEPARTMENT, OR A
9 FEDERAL, STATE OR OTHER COUNTY AGENCY, TO ENSURE THAT A DRUG AND
10 ALCOHOL RECOVERY HOUSE PROVIDES A SAFE ENVIRONMENT FOR
11 RESIDENTS. THE REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO,
12 THE FOLLOWING:

13 (1) A POLICY THAT ENSURES THAT RESIDENTS ARE INFORMED OF
14 ALL DRUG AND ALCOHOL RECOVERY HOUSE RULES, RESIDENCY
15 REQUIREMENTS AND LEASE AGREEMENTS.

16 (2) POLICIES AND PROCEDURES FOR MANAGEMENT OF ALL FUNDS
17 RECEIVED AND EXPENDED BY THE DRUG AND ALCOHOL RECOVERY HOUSE
18 IN ACCORDANCE WITH STANDARD ACCOUNTING PRACTICES, INCLUDING
19 FUNDS RECEIVED FROM OR MANAGED ON BEHALF OF RESIDENTS OF THE
20 DRUG AND ALCOHOL RECOVERY HOUSE.

21 (3) POLICIES REGARDING CRIMINAL BACKGROUND CHECKS FOR
22 OPERATORS AND EMPLOYEES OF THE DRUG AND ALCOHOL RECOVERY
23 HOUSE.

24 (4) A POLICY THAT NO DRUG AND ALCOHOL RECOVERY HOUSE
25 OWNER, EMPLOYEE, HOUSE OFFICER OR INDIVIDUAL RELATED TO A
26 DRUG AND ALCOHOL RECOVERY HOUSE OWNER, EMPLOYEE OR HOUSE
27 OFFICER SHALL DIRECTLY OR INDIRECTLY SOLICIT OR ACCEPT A
28 COMMISSION, FEE OR ANYTHING OF MONETARY OR MATERIAL VALUE
29 FROM RESIDENTS, OTHER RELATED INDIVIDUALS, THIRD PARTY
30 ENTITIES OR REFERRAL SOURCES, BEYOND SPECIFIED RENT

1 ESTABLISHED IN WRITING AT THE TIME OF RESIDENCY.

2 (5) POLICIES AND PROCEDURES ADDRESSING THE SAFETY AND
3 PROTECTION OF RESIDENTS.

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

7 (7) POLICIES REQUIRING ABSTINENCE FROM ALCOHOL AND
8 ILLCIT DRUGS.

9 (8) PROCEDURES REGARDING APPROPRIATE USE AND SECURITY OF
10 MEDICATION.

11 (9) MAINTENANCE OF THE PROPERTY IN WHICH THE DRUG AND
12 ALCOHOL RECOVERY HOUSE IS LOCATED, INCLUDING, BUT NOT LIMITED
13 TO, THE INSTALLATION OF FUNCTIONING SMOKE DETECTORS, CARBON
14 MONOXIDE DETECTORS AND FIRE EXTINGUISHERS AND COMPLIANCE WITH
15 LOCAL FIRE CODES.

16 (10) 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 BENEFITS, CASH ASSISTANCE AND SNAP BENEFITS.

22 (11) POLICIES AND PROCEDURES FOR MANAGING COMPLAINTS
23 ABOUT LICENSED OR CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSES.

24 (12) REQUIREMENTS FOR NOTIFICATION OF A FAMILY MEMBER OR
25 OTHER EMERGENCY CONTACT DESIGNATED BY THE RESIDENT UNDER
26 CERTAIN CIRCUMSTANCES, INCLUDING, BUT NOT LIMITED TO, DEATH
27 DUE TO AN OVERDOSE.

28 SECTION 2314-A. LICENSURE OR CERTIFICATION.

29 (A) TIME PERIOD.--LICENSURE OR CERTIFICATION OF A DRUG AND
30 ALCOHOL RECOVERY HOUSE SHALL BE FOR A PERIOD OF ONE YEAR.

1 (B) COMPLIANCE OF EXISTING DRUG AND ALCOHOL RECOVERY
2 HOUSES.--A DRUG AND ALCOHOL RECOVERY HOUSE IN EXISTENCE ON THE
3 EFFECTIVE DATE OF THIS SECTION MAY BE DEEMED LICENSED OR
4 CERTIFIED BY THE DEPARTMENT AFTER INSPECTION AND IF THE DRUG AND
5 ALCOHOL RECOVERY HOUSE PROVIDES DOCUMENTATION TO THE DEPARTMENT
6 WITHIN 180 DAYS AFTER THE PROMULGATION OF REGULATIONS BY THE
7 DEPARTMENT THAT IT IS IN COMPLIANCE WITH THOSE REGULATIONS.

8 (C) FEE SCHEDULE.--

9 (1) THE DEPARTMENT SHALL ESTABLISH FEES TO BE PAID BY
10 EACH DRUG AND ALCOHOL RECOVERY HOUSE LICENSED OR CERTIFIED BY
11 THE DEPARTMENT ADEQUATE TO CARRY OUT THE PROVISIONS OF THIS
12 SUBARTICLE AS FOLLOWS:

13 (I) A FEE FOR INITIAL CERTIFICATION OR LICENSURE.

14 (II) A FEE FOR RECERTIFICATION OR CONTINUING
15 LICENSURE.

16 (III) A FEE FOR INVESTIGATION OF COMPLAINTS.

17 (2) THE DISTRIBUTION OF THE FEES SHALL BE DETERMINED BY
18 THE DEPARTMENT.

19 (3) IN ORDER FOR FEES TO BE KEPT AT A MINIMUM, THE
20 DEPARTMENT SHALL SEEK ALL POSSIBLE OTHER FUNDING, INCLUDING
21 ANY AVAILABLE FEDERAL GRANTS.

22 SECTION 2315-A. REGISTRY.

23 THE DEPARTMENT SHALL CREATE AND MAINTAIN A REGISTRY ON ITS
24 PUBLICLY ACCESSIBLE INTERNET WEBSITE OF ALL LICENSED OR
25 CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSES WITHIN THIS
26 COMMONWEALTH, WHICH SHALL BE UPDATED ANNUALLY BY THE DEPARTMENT.

27 SECTION 2316-A. VIOLATIONS.

28 (A) PENALTIES.--A PERSON OPERATING A DRUG AND ALCOHOL
29 RECOVERY HOUSE THAT IS FUNDED, IN WHOLE OR IN PART, BY THE
30 DEPARTMENT OR A FEDERAL, OTHER STATE OR COUNTY AGENCY, THAT HAS

1 FAILED TO ATTAIN OR MAINTAIN LICENSURE OR CERTIFICATION OF A
2 DRUG AND ALCOHOL RECOVERY HOUSE AND HAS NOT BEEN LICENSED OR
3 CERTIFIED BY THE DEPARTMENT SHALL PAY A FINE OF UP TO \$1,000 FOR
4 EACH VIOLATION.

5 (B) REFERRAL.--IF THE DEPARTMENT DETERMINES A DRUG AND
6 ALCOHOL RECOVERY HOUSE IS NOT IN COMPLIANCE WITH THIS SUBARTICLE
7 DUE TO AN ALLEGED VIOLATION OF ANY FEDERAL, STATE OR LOCAL LAW,
8 THE DEPARTMENT SHALL REFER THE MATTER TO THE APPROPRIATE AGENCY
9 FOR INVESTIGATION.

10 SECTION 2317-A. DRUG AND ALCOHOL RECOVERY HOUSE FUND.

11 (A) ESTABLISHMENT.--THE DRUG AND ALCOHOL RECOVERY HOUSE FUND
12 IS ESTABLISHED IN THE STATE TREASURY. MONEY IN THE FUND SHALL BE
13 USED FOR THE ENFORCEMENT OF THIS SUBARTICLE.

14 (B) DEPOSIT.--ALL FINES AND FEES COLLECTED UNDER THIS
15 SUBARTICLE SHALL BE DEPOSITED INTO THE DRUG AND ALCOHOL RECOVERY
16 HOUSE FUND.

17 SECTION 2318-A. COMPLIANCE WITH OTHER LAWS.

18 IN ORDER TO RECEIVE AND MAINTAIN LICENSURE OR CERTIFICATION,
19 A DRUG AND ALCOHOL RECOVERY HOUSE MUST BE IN COMPLIANCE WITH ALL
20 FEDERAL, STATE AND LOCAL LAWS, INCLUDING, BUT NOT LIMITED TO,
21 THE AMERICANS WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336,
22 104 STAT. 327). FAILURE TO COMPLY OR REMAIN IN COMPLIANCE SHALL
23 RESULT IN LOSS OF LICENSURE OR CERTIFICATION AND REMOVAL FROM
24 THE REGISTRY.

25 Section 3. This act shall take effect in ~~120 180 days TWO~~ <--
26 ~~YEARS~~ 180 DAYS. <--