

AMENDMENTS TO SENATE BILL NO. 446

Sponsor: SENATOR MCGARRIGLE

Printer's No. 913

1 Amend Bill, page 1, lines 1 through 4, by striking out all of
2 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," in powers and duties of the Department of
27 Drug and Alcohol Programs, providing for drug and alcohol
28 recovery houses and establishing the Drug and Alcohol
29 Recovery House Fund; and making editorial changes.

30 Amend Bill, page 1, lines 7 through 18; pages 2 through 4,
31 lines 1 through 30; page 5, lines 1 through 28; by striking out
32 all of said lines on said pages and inserting

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

1 (a) General Provisions

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

4 (b) Drug and Alcohol Recovery Houses

5 Section 2311-A. Definitions.

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

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

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

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

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

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

29 (a) Regulations.--The department may promulgate regulations
30 for the licensure or certification of drug and alcohol recovery
31 houses that receive funds or referrals from the department, or a
32 Federal, State or other county agency, to ensure that the drug
33 and alcohol recovery houses provide a safe environment for
34 residents. The regulations may include, but not be limited to,
35 the following:

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

39 (2) Policies and procedures for management of all funds
40 received and expended by the drug and alcohol recovery house
41 in accordance with standard accounting practices, including
42 funds received from or managed on behalf of residents of the
43 house.

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

46 (4) Policies that promote recovery by requiring resident
47 participation in treatment, self-help groups or other
48 recovery supports.

49 (5) Policies requiring abstinence from alcohol and other
50 illicit drugs.

51 (6) Procedures regarding appropriate use and security of

1 medication.

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

6 (b) Temporary regulations.--In order to facilitate the
7 prompt implementation of this chapter, regulations promulgated
8 by the department shall be deemed temporary regulations that
9 shall not expire for a period of three years following
10 publication. Temporary regulations shall not be subject to:

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

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

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

19 (c) Expiration of authority.--The authority of the
20 department to promulgate temporary regulations under subsection
21 (b) shall expire three years after the effective date of this
22 section. Regulations adopted after this period shall be
23 promulgated as provided by law.

24 Section 2314-A. Funding.

25 A drug and alcohol recovery house or other recovery house
26 shall not be authorized to provide services or receive funding
27 from the department or any Federal, State or county agency
28 without licensure or certification.

29 Section 2315-A. Licensure or certification.

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

32 (b) Compliance of existing drug and alcohol recovery
33 houses.--A drug and alcohol recovery house in existence on the
34 effective date of this section may be deemed licensed or
35 certified by the department after inspection and if the drug and
36 alcohol recovery house provides documentation to the department
37 within 180 days after the promulgation of regulations by the
38 department that it is in compliance with the regulations
39 promulgated by the department.

40 (c) Fee.--The department shall establish a fee to be paid by
41 each drug and alcohol recovery house adequate to carry out the
42 provisions of this subarticle.

43 Section 2316-A. Registry.

44 The department shall create and maintain a publicly
45 accessible registry on its publicly accessible Internet website
46 of all licensed or certified drug and alcohol recovery houses
47 within this Commonwealth, which shall be updated annually by the
48 department.

49 Section 2317-A. Violations.

50 A person owning a drug and alcohol recovery house that is
51 funded, in whole or in part, with funding from the department,

1 or a Federal, other State or county agency, that has failed to
2 attain or maintain licensure or certification of a drug and
3 alcohol recovery house and has not been licensed or certified by
4 the department shall pay a fine of \$1,000 for each violation.
5 Section 2318-A. Restricted account.

6 All fines and fees collected shall be deposited into a
7 restricted account in the department which is established and
8 shall be known as the Drug and Alcohol Recovery House Fund.
9 Money in this account is to be utilized for the enforcement of
10 this subarticle.

11 Section 2319-A. Compliance with other laws.

12 In order to receive and maintain licensure or certification,
13 all drug and alcohol recovery houses must be in compliance with
14 all Federal, State and local ordinances. Failure to comply or
15 remain in compliance shall result in loss of licensure or
16 certification and removal from the registry.

17 Section 3. This act shall take effect in 120 days.