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

SENATOR McGARRIGLE, URBAN AFFAIRS AND HOUSING, AS AMENDED, JUNE 5, 2017

AN ACT

1 2 3 4	Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for drug and alcohol recovery houses and establishing the Drug and Alcohol 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 LICENSURE OR certification of drug and <
15	alcohol recovery houses.
16	5704. Funding.

5705. Licensure or certification.

5706. Registry.

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- 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 <u>the Commonwealth.</u>
- 10 "Drug and alcohol recovery house." Housing for individuals
- 11 recovering from drug or alcohol addiction, which provides those
- 12 <u>individuals with a safe and supportive drug and alcohol-free</u>
- 13 <u>environment</u>, <u>peer support and other recovery support services</u>
- 14 that may include coordination of treatment services.
- 15 § 5702. Powers and duties of department.
- 16 The department shall LICENSE OR certify drug and alcohol
- 17 recovery houses directly or through a contracted entity, as
- 18 defined by department guidelines, which shall adhere to National
- 19 Alliance for Recovery Residences standards with modifications
- 20 <u>deemed necessary by the department. All referrals from State</u>
- 21 agencies or State-funded facilities shall be to licensed or
- 22 certified drug and alcohol recovery houses, and only licensed or
- 23 certified recovery houses may be eligible to receive Federal or
- 24 State funding to deliver drug and alcohol recovery housing
- 25 services.
- 26 § 5703. Regulations for LICENSURE OR certification of drug and <--
- 27 <u>alcohol recovery houses.</u>
- 28 (a) Regulations.--The department may promulgate regulations
- 29 for the licensure or certification of drug and alcohol recovery
- 30 houses that receive funds or referrals from the department, or a <--

- 1 Federal, State or other county agency, to ensure that the drug
- 2 and alcohol recovery houses provide a safe environment for
- 3 residents. The regulations may include, but not be limited to,
- 4 the following:
- 5 (1) Upon admission, ensuring that residents are informed
- of all drug and alcohol recovery house rules, residency
- 7 <u>requirements and lease agreements.</u>
- 8 <u>(2) Policies and procedures for management of all funds</u>
- 9 <u>received and expended by the drug and alcohol recovery house</u>
- in accordance with standard accounting practices, including
- 11 <u>funds received from or managed on behalf of residents of the</u>
- 12 <u>house.</u>
- 13 (3) Policies and procedures addressing the safety and
- 14 <u>protection of residents.</u>
- 15 (4) Policies that promote recovery by requiring resident
- 16 <u>participation in treatment, self-help groups or other</u>
- 17 recovery supports.
- 18 (5) Policies requiring abstinence from alcohol and other
- 19 illicit drugs.
- 20 (6) Procedures regarding appropriate use and security of
- 21 medication.
- 22 (7) The maintenance of the property in which the drug
- and alcohol recovery house is located, including, but not
- 24 limited to, the installation of functioning smoke detectors,
- 25 <u>carbon monoxide detectors and fire extinguishers.</u>
- 26 (b) Temporary regulations.--In order to facilitate the
- 27 prompt implementation of this chapter, regulations promulgated
- 28 by the department shall be deemed temporary regulations that
- 29 shall not expire for a period of three years following
- 30 publication. Temporary regulations shall not be subject to:

- 1 (1) Sections 201, 202, 203, 204 and 205 of the act of
- 2 <u>July 31, 1968 (P.L.769, No.240), referred to as the</u>
- 3 Commonwealth Documents Law.
- 4 (2) Sections 204(b) and 301(10) of the act of October
- 5 <u>15, 1980 (P.L.950, No.164), known as the Commonwealth</u>
- 6 <u>Attorneys Act.</u>
- 7 (3) The act of June 25, 1982 (P.L.633, No.181), known as
- 8 the Regulatory Review Act.
- 9 (c) Expiration of authority. -- The authority of the
- 10 department to promulgate temporary regulations under subsection
- 11 (b) shall expire three years after the effective date of this
- 12 <u>section.</u> Regulations adopted after this period shall be
- 13 promulgated as provided by law.
- 14 <u>§ 5704. Funding.</u>
- 15 A drug and alcohol recovery house or other recovery house
- 16 shall not be authorized to provide services or receive funding
- 17 from the department or any Federal, State or county agency
- 18 <u>without licensure or certification</u>.
- 19 § 5705. Licensure or certification.
- 20 <u>(a) Time period.--Licensure or certification shall last for</u>
- 21 a period of two years.
- 22 (b) Compliance of existing drug and alcohol recovery
- 23 houses. -- A drug and alcohol recovery house in existence on the
- 24 <u>effective date of this section may be deemed licensed or</u>
- 25 certified by the department after inspection and if the drug and
- 26 <u>alcohol recovery house provides documentation to the department</u>
- 27 WITHIN 180 DAYS AFTER THE PROMULGATION OF REGULATIONS BY THE <--

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- 28 <u>DEPARTMENT that it is in compliance with the regulations</u>
- 29 <u>promulgated by the department</u>.
- 30 (c) Fee. -- The department shall establish a fee to be paid by

- 1 <u>each drug and alcohol recovery house adequate to carry out the</u>
- 2 provisions of this chapter.
- 3 § 5706. Registry.
- 4 The department shall create and maintain a publicly
- 5 accessible registry on its publicly accessible Internet website
- 6 of all licensed or certified drug and alcohol recovery houses
- 7 within this Commonwealth, which shall be updated annually by the
- 8 <u>department</u>.
- 9 <u>§ 5707</u>. <u>Violations</u>.
- 10 A person owning a drug and alcohol recovery house that is
- 11 <u>funded, in whole or in part, with funding from the department,</u>
- 12 <u>or a Federal, other State or county agency, that has failed to</u>
- 13 <u>attain or maintain licensure or certification of a drug and</u>
- 14 <u>alcohol recovery house and has not been licensed or certified by</u>
- 15 the department shall pay a fine of \$1,000 for each violation.
- 16 § 5708. Restricted account.
- 17 All fines and fees collected shall be deposited into a
- 18 restricted account in the department which is established and
- 19 shall be known as the Drug and Alcohol Recovery House Fund.
- 20 Money in this account is to be utilized for the enforcement of
- 21 this chapter.
- 22 § 5709. Compliance with other laws.
- 23 In order to receive and maintain licensure or certification,
- 24 all drug and alcohol recovery houses must be in compliance with
- 25 all Federal, State and local ordinances. Failure to comply or
- 26 <u>remain in compliance shall result in loss of licensure or</u>
- 27 certification and removal from the registry.
- 28 Section 2. This act shall take effect in 120 days.