

## AMENDMENTS TO SENATE BILL NO. 446

Sponsor: REPRESENTATIVE KAUFER

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1 Amend Bill, page 1, lines 5 through 31, by striking out all  
2 of 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," providing for certified drug and alcohol  
27 recovery houses and establishing the Certified Drug and  
28 Alcohol Recovery House Fund Account.

29 The General Assembly finds and declares as follows:

30 (1) Individuals with alcohol and drug addictions may be  
31 in need of a supportive, sober housing arrangement after  
32 completing inpatient treatment for addiction.

33 (2) Stable housing has been recognized as a verifiable  
34 need for individuals in recovery, especially early recovery,  
35 but is often difficult to obtain.

36 (3) The goal is to find a place that is safe,  
37 appropriately maintained and beneficial to the individual's  
38 recovery process.

1 (4) Sober living recovery houses can be extremely  
2 helpful in stabilizing early recovery as an individual who  
3 has an addiction continues treatment and begins to search for  
4 employment.

5 (5) The Congress of the United States added protections  
6 for individuals with disabilities to the Fair Housing Act  
7 (Public Law 90-284, 42 U.S.C. § 3601 et seq.).

8 (6) These Federal statutes prohibit a broad range of  
9 practices that discriminate against individuals on the basis  
10 of race, color, religion, sex, national origin, familial  
11 status, handicap or disability or having a substance abuse  
12 disorder.

13 (7) The Fair Housing Act does not preempt local zoning  
14 laws but is intended to prohibit the use of local laws and  
15 ordinances to make housing unavailable to individuals with a  
16 disability solely on the basis of their disability.

17 Amend Bill, page 6, lines 9 through 30; pages 7 through 9,  
18 lines 1 through 30; page 10, lines 1 through 25; by striking out  
19 all of said lines on said pages and inserting

20 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
21 as The Administrative Code of 1929, is amended by adding an  
22 article to read:

23 ARTICLE XXIII-C  
24 CERTIFIED DRUG AND ALCOHOL  
25 RECOVERY HOUSE

26 Section 2301-C. Definitions.

27 The following words and phrases when used in this article  
28 shall have the meanings given to them in this section unless the  
29 context clearly indicates otherwise:

30 "Certificate of compliance" or "certification." Includes a  
31 license to operate a drug and alcohol recovery house.

32 "Certified." Having a valid certificate of compliance from  
33 the department or licensed by the department for the operation  
34 of a drug and alcohol recovery house.

35 "Department." The Department of Drug and Alcohol Programs of  
36 the Commonwealth.

37 "Drug and alcohol recovery house." A group housing  
38 arrangement that meets all of the following:

39 (1) Provides a transitional living situation that may be  
40 utilized between residential treatment and independent living  
41 in the community.

42 (2) Provides safe recovery environments recognizing  
43 multiple pathways to recovery for individuals who are not  
44 ready to live on their own but who are motivated in recovery  
45 and can thrive in an environment providing limited structure.

46 (3) Requires residents to pay to live and cohabitate in  
47 a family-like setting sharing common living areas and  
48 supporting each other in the recovery process.

1       (4) Provides a peer-supported, alcohol-free and drug-  
2       free living environment which may also be described as a  
3       sober house or a house where there are residents in recovery  
4       from alcohol or other drug addiction.

5       "House administrator." The individual responsible for the  
6       overall management of a certified drug and alcohol recovery  
7       house, including the supervision of each resident and staff  
8       employed by or volunteering for the certified drug and alcohol  
9       recovery house.

10      Section 2302-C. Duties of department.

11      (a) Certification.--The department shall establish standards  
12      for the purpose of developing and administering certification of  
13      a drug and alcohol recovery house.

14      (b) Process.--The department shall establish a process to:

15          (1) Administer the application, certification,  
16          recertification and disciplinary processes.

17          (2) Monitor and inspect a certified drug and alcohol  
18          recovery house and the staff of a certified drug and alcohol  
19          recovery house to ensure compliance with certification  
20          requirements. The department may authorize single county  
21          authorities to perform the actions under this paragraph.

22          (3) Establish application, inspection and annual  
23          certification renewal fees.

24      (c) Documentation.--The department shall require a drug and  
25      alcohol recovery house to submit the following documents with  
26      the completed application and fee:

27          (1) A policy and procedures manual containing:

28              (i) Job descriptions for each staff position.

29              (ii) Drug testing procedures and requirements.

30              (iii) A prohibition on the premises against alcohol,  
31              illegal drugs and the use of prescribed medications by an  
32              individual other than the individual for whom the  
33              medication is prescribed.

34              (iv) Policies to support a resident's recovery  
35              efforts.

36              (v) A good neighbor policy to address neighborhood  
37              concerns.

38              (vi) The maintenance of the property, including  
39              safety exits, the installation of smoke detectors and  
40              fire extinguishers.

41          (2) Rules for residents.

42          (3) Copies of each form provided to residents.

43          (4) Intake procedures.

44          (5) Relapse policy.

45          (6) Fee schedule.

46          (7) Refund policy.

47          (8) Eviction procedures and policy.

48          (9) Code of ethics.

49          (10) Proof of meeting insurance requirements.

50          (11) Criminal history record check requirements.

51          (12) Requirements for proof of satisfactory fire, safety

1 and health inspections.

2 (13) Information regarding ownership.

3 (d) Inspection.--The department or a single county authority  
4 shall conduct an onsite inspection of a drug and alcohol  
5 recovery house before issuing a certificate of compliance.  
6 Onsite follow-up monitoring of a certified drug and alcohol  
7 recovery house may be conducted to determine continuing  
8 compliance with certification requirements and may be initiated  
9 as a result of a complaint to the department for noncompliance.

10 (e) Criminal history record checks.--The department shall  
11 require all owners, directors, chief financial officers,  
12 applicants, employees and volunteers of a drug and alcohol  
13 recovery house to undergo criminal history record checks.

14 (f) Certificate of compliance.--The department shall issue a  
15 certificate of compliance upon approval of the application and  
16 inspection. The certification shall automatically terminate if  
17 not renewed within one year after the date of issuance.

18 (g) Denial, suspension or revocation.--

19 (1) The department shall deny a drug and alcohol  
20 recovery house's application for certification and may  
21 suspend or revoke a certification if the drug and alcohol  
22 recovery house:

23 (i) is not in compliance with this article;

24 (ii) has failed to remedy a deficiency identified by  
25 the department within the time period specified;

26 (iii) provided false, misleading or incomplete  
27 information;

28 (iv) has delinquent State taxes; or

29 (v) knowingly has a house administrator, an owner, a  
30 director or a chief financial officer who is subject to  
31 the disqualifying offenses under section 2304-C(b) or who  
32 has been convicted of one of the following criminal  
33 offenses within the past two years:

34 (A) An offense designated as a felony under 18  
35 Pa.C.S. (relating to crimes and offenses).

36 (B) An offense designated as a felony under the  
37 act of April 14, 1972 (P.L.233, No.64), known as The  
38 Controlled Substance, Drug, Device and Cosmetic Act.

39 (C) Any attempt, solicitation or conspiracy to  
40 commit an offense under clause (A) or (B).

41 (2) A certified drug and alcohol recovery house shall  
42 remove a house administrator, an owner, a director or a chief  
43 financial officer if the certified drug and alcohol recovery  
44 house knows that the individual has been convicted of any of  
45 the offenses under paragraph (1)(v) within the past two years  
46 and shall notify the department of the removal. The  
47 department shall review any denial, suspension or revocation  
48 under this subsection in light of the removal.

49 Section 2303-C. Advertisement.

50 No person may advertise to the public a drug and alcohol  
51 recovery house as a certified drug and alcohol recovery house

1 unless the drug and alcohol recovery house has secured a  
2 certificate of compliance under this article.

3 Section 2304-C. Criminal history record checks.

4 (a) Requirement.--

5 (1) An applicant for certification and an owner, a  
6 director, a chief financial officer, an employee or a  
7 volunteer of a drug and alcohol recovery house must undergo a  
8 criminal history record check.

9 (2) An applicant who applies to the department for a  
10 certificate shall include a criminal history record for every  
11 owner, director, chief financial officer, employee or  
12 volunteer at the drug and alcohol recovery house.

13 (b) Disqualification.--

14 (1) No certified drug and alcohol recovery house may  
15 hire a house administrator, director or chief financial  
16 officer if the individual's criminal history record indicates  
17 that the individual has been convicted of one or more of the  
18 following offenses within the past two years:

19 (i) An offense designated as a felony under 18  
20 Pa.C.S. (relating to crimes and offenses).

21 (ii) An offense designated as a felony under the act  
22 of April 14, 1972 (P.L.233, No.64), known as the  
23 Controlled Substance, Drug, Device and Cosmetic Act.

24 (iii) Any attempt, solicitation or conspiracy to  
25 commit an offense under subparagraph (i) or (ii).

26 (2) No certified drug and alcohol recovery house may be  
27 owned by an individual or hire a house administrator,  
28 director or chief financial officer if the individual's  
29 criminal history record indicates that the individual has  
30 been convicted of one or more of the following offenses under  
31 18 Pa.C.S. or an equivalent crime under Federal law or the  
32 law of another state:

33 (i) Chapter 25 (relating to criminal homicide).

34 (ii) Section 2702 (relating to aggravated assault).

35 (iii) Section 2709.1 (relating to stalking).

36 (iv) Section 2901 (relating to kidnapping).

37 (v) Section 2902 (relating to unlawful restraint).

38 (vi) Section 3001 (relating to trafficking in  
39 individuals).

40 (vii) Section 3012 (relating to involuntary  
41 servitude).

42 (viii) Section 3121 (relating to rape).

43 (ix) Section 3122.1 (relating to statutory sexual  
44 assault).

45 (x) Section 3123 (relating to involuntary deviate  
46 sexual intercourse).

47 (xi) Section 3124.1 (relating to sexual assault).

48 (xii) Section 3125 (relating to aggravated indecent  
49 assault).

50 (xiii) Section 3126 (relating to indecent assault).

51 (xiv) Section 3301 (relating to arson and related

1 offenses).

2 (xv) Section 3701 (relating to robbery).

3 (xvi) A felony offense under Chapter 41 (relating to  
4 forgery and fraudulent practices), with the exception of  
5 an offense under any of the following:

6 (A) Section 4101 (relating to forgery).

7 (B) Section 4106 (relating to access device  
8 fraud).

9 (xvii) Section 4114 (relating to securing execution  
10 of documents by deception).

11 (xviii) Section 4302 (relating to incest).

12 (xix) Section 4303 (relating to concealing death of  
13 child).

14 (xx) Section 4304 (relating to endangering welfare  
15 of children).

16 (xxi) Section 4305 (relating to dealing in infant  
17 children).

18 (xxii) Section 4952 (relating to intimidation of  
19 witnesses or victims).

20 (xxiii) Section 4953 (relating to retaliation  
21 against witness, victim or party).

22 (xxiv) A felony offense under section 5902(b)  
23 (relating to prostitution and related offenses).

24 (xxv) Section 5903(c) or (d) (relating to obscene  
25 and other sexual materials and performances).

26 (xxvi) Section 6301 (relating to corruption of  
27 minors).

28 (xxvii) Section 6312 (relating to sexual abuse of  
29 children).

30 (xxviii) The attempt, solicitation or conspiracy to  
31 commit any of the offenses under this paragraph.

32 (c) Costs.--The costs associated with a criminal history  
33 record check under this section shall be the responsibility of  
34 the individual who is the subject of the criminal history record  
35 check.

36 Section 2305-C. House administrator.

37 (a) Competency.--A certified drug and alcohol recovery house  
38 shall employ a house administrator who has the competency  
39 necessary to respond on a timely basis to the needs of residents  
40 and maintain property standards.

41 (b) Establishment.--The department shall establish the  
42 following in regard to a house administrator:

43 (1) Standards and criteria for the purpose of developing  
44 and administering certification.

45 (2) Core competencies, certification requirements,  
46 testing instruments and recertification requirements.

47 (3) A process to administer the certification,  
48 application, award and maintenance processes.

49 (4) Minimum requirements of training, work experience,  
50 supervision and a disciplinary process of certified persons.

51 (5) Application, certification and annual certification

1 renewal fees adequate to carry out the provisions of this  
2 article.

3 (c) Criminal history record checks.--A certified house  
4 administrator must pass a criminal history record check as  
5 provided under section 2304-C.

6 (d) Termination.--Certification shall automatically  
7 terminate if not renewed within one year after the date of  
8 issuance.

9 (e) Ineligibility.--An individual whose criminal history  
10 record indicates that the individual has been convicted of one  
11 or more of the disqualifying offenses under section 2304-C(b)(1)  
12 shall be ineligible to become a house administrator.

13 (f) Advertisement.--

14 (1) No individual may advertise himself or herself to  
15 the public as a certified house administrator unless the  
16 individual has secured a certificate of compliance under this  
17 section.

18 (2) An individual who violates this subsection commits a  
19 misdemeanor of the second degree.

20 (g) Management.--A house administrator may not actively  
21 manage more than three drug and alcohol recovery houses at the  
22 same time.

23 Section 2306-C. Standards.

24 (a) Contents.--The standards developed by the department  
25 under this article shall address the following areas and shall  
26 include, but not be limited to:

27 (1) Policies and procedures to ensure that, upon  
28 admission, residents are informed of all certified drug and  
29 alcohol recovery house rules, residency requirements and  
30 lease agreements.

31 (2) Policies and procedures for the establishment and  
32 maintenance of an accounting system that fully documents each  
33 financial transaction, including each financial transaction  
34 of each resident.

35 (3) Policies and procedures addressing the safety and  
36 protection of each resident and the community.

37 (4) Policies that promote recovery by requiring resident  
38 participation in treatment, self-help groups or other  
39 recovery supports.

40 (5) Policies requiring abstinence from alcohol and other  
41 drugs.

42 (6) Procedures regarding appropriate use and security of  
43 medication.

44 (7) The maintenance of the property and the grounds in  
45 which the certified drug and alcohol recovery house is  
46 located, including, but not limited to, safety exits and the  
47 installation of functioning smoke detectors and fire  
48 extinguishers.

49 (8) General safety and emergency procedures, including  
50 provisions for fire drills and the evacuation and transfer of  
51 residents and staff to a safe location, assignment of staff

1 during emergencies and notification to the department during  
2 an emergency.

3 (9) Procedures, including referral agreements, to handle  
4 relapse.

5 (b) (Reserved).

6 Section 2307-C. Code of ethics.

7 (a) Establishment.--The department shall establish a code of  
8 ethics for certified alcohol and drug recovery houses to satisfy  
9 as a condition of employment. The code of ethics shall address,  
10 but not be limited to, the following:

11 (1) The confidentiality of client-identifying  
12 information.

13 (2) Knowledge of how to access treatment resources in  
14 the community, including knowledge of the single county  
15 authority and the authority's assessment and referral  
16 protocol.

17 (3) Maintaining an alcohol-free and illicit drug-free  
18 environment.

19 (4) The process for a resident to report an ethical or  
20 standards violation.

21 (5) Prohibiting retribution, intimidation or any  
22 negative consequences to a resident if a grievance or  
23 complaint has been filed.

24 (6) Prohibiting an owner or house administrator from  
25 directly or indirectly soliciting or accepting a commission,  
26 fee or anything of monetary or material value from a  
27 resident, other related individual, third-party entity or  
28 referral source beyond specified rent established in writing  
29 at the time of residency.

30 (7) That no owner, house administrator or employee may  
31 become personally involved with a resident's financial  
32 affairs, including borrowing or lending money, buying or  
33 selling property or any other financial transactions.

34 (8) That no owner, house administrator or employee may  
35 require a resident to sign over any public assistance  
36 benefits, including, but not limited to, medical assistance,  
37 cash assistance and food stamps.

38 (9) That no owner, house administrator or employee may  
39 offer, pay, solicit or receive a commission, bonus or rebate,  
40 directly or indirectly, in cash or in-kind, or engage in a  
41 split-fee arrangement, in any form, for any of the following:

42 (i) to induce the referral of patients or patronage  
43 to or from a health care provider or health care facility  
44 or other third-party entity; or

45 (ii) in return for the acceptance or acknowledgment  
46 of services from a health care provider, health care  
47 facility or third-party entity.

48 (b) Posting.--The code of ethics shall be posted on the  
49 department's publicly accessible Internet website.

50 Section 2308-C. Registry.

51 (a) Duty to establish.--The department shall establish and



1 maintain a registry of all certified drug and alcohol recovery  
2 houses in this Commonwealth.

3 (b) Posting.--The registry shall be posted on the  
4 department's publicly accessible Internet website.

5 Section 2309-C. Funding.

6 No drug and alcohol recovery house may receive funding from  
7 the department or a State agency without certification.

8 Section 2310-C. Violations.

9 (a) Administrative penalty.--If the department determines a  
10 certified drug and alcohol recovery house is not in compliance  
11 with this article, the department may impose an administrative  
12 penalty of up to \$1,000 per day against the drug and alcohol  
13 recovery house.

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

19 Section 2311-C. Certified Drug and Alcohol Recovery House Fund  
20 Account.

21 The Certified Drug and Alcohol Recovery House Fund Account is  
22 established as a restricted account in the State Treasury. Each  
23 fine and fee collected under this article shall be deposited  
24 into the account. Funds in the account shall be utilized for the  
25 enforcement of this article.

26 Section 2312-C. Compliance with other laws.

27 Nothing in this act shall prevent or otherwise restrict a  
28 drug and alcohol recovery house from complying with the  
29 Americans with Disabilities Act of 1990 (Public Law 101-336, 104  
30 Stat. 327) or other applicable Federal, State or local law.

31 Section 2313-C. Regulations.

32 The department shall promulgate regulations to administer  
33 this article and shall consider developing ways to encourage the  
34 referral to drug and alcohol recovery houses that are in full  
35 compliance with this article.

36 Section 2. This act shall take effect in six months.