

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1488 Session of 2015

INTRODUCED BY DAVIS, SCHREIBER, V. BROWN, READSHAW, McNEILL, ACOSTA, THOMAS, HARHAI, COHEN, MURT, JAMES, ROZZI, GALLOWAY, D. PARKER AND YOUNGBLOOD, AUGUST 21, 2015

REFERRED TO COMMITTEE ON HUMAN SERVICES, AUGUST 21, 2015

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
 2 "An act providing for and reorganizing the conduct of the  
 3 executive and administrative work of the Commonwealth by the  
 4 Executive Department thereof and the administrative  
 5 departments, boards, commissions, and officers thereof,  
 6 including the boards of trustees of State Normal Schools, or  
 7 Teachers Colleges; abolishing, creating, reorganizing or  
 8 authorizing the reorganization of certain administrative  
 9 departments, boards, and commissions; defining the powers and  
 10 duties of the Governor and other executive and administrative  
 11 officers, and of the several administrative departments,  
 12 boards, commissions, and officers; fixing the salaries of the  
 13 Governor, Lieutenant Governor, and certain other executive  
 14 and administrative officers; providing for the appointment of  
 15 certain administrative officers, and of all deputies and  
 16 other assistants and employes in certain departments, boards,  
 17 and commissions; and prescribing the manner in which the  
 18 number and compensation of the deputies and all other  
 19 assistants and employes of certain departments, boards and  
 20 commissions shall be determined," in powers and duties of the  
 21 Department of Drug and Alcohol Programs, providing for  
 22 definitions, for duties of department, for funding, for  
 23 certification, for registry, for violations, for restricted  
 24 account, for compliance with other laws and for task force.

25 The General Assembly of the Commonwealth of Pennsylvania

26 hereby enacts as follows:

27 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
 28 as The Administrative Code of 1929, is amended by adding

1 sections to read:

2 Section 2302-A. Definitions.

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

6 "Department." The Department of Drug and Alcohol Programs of  
7 the Commonwealth.

8 "Drug and alcohol recovery house." A safe and supportive,  
9 alcohol-free and drug-free environment where residents in  
10 recovery from alcohol or other drug addiction live together as a  
11 community. This definition shall also apply to residences  
12 described as sober houses, transitional houses or houses where  
13 there are residents in recovery from alcohol or other drug  
14 addiction.

15 Section 2303-A. Duties of department.

16 (a) Development of standards.--As follows:

17 (1) The department shall develop standards and criteria  
18 for certification of drug and alcohol recovery houses that  
19 receive funds from the department or Federal or other State  
20 agency, to ensure that the houses provide a safe environment  
21 for residents and for the surrounding community.

22 (2) The department shall develop levels of standards and  
23 criteria corresponding to the levels of support and services  
24 provided by the drug and alcohol houses.

25 (b) Standards.--The standards shall address the following  
26 areas and shall include, but not be limited to:

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

30 (2) Policies and procedures for the establishment and

1 maintenance of an accounting system that fully documents all  
2 financial transactions including those of the residents.

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

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 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 and fire extinguishers.

16 Section 2304-A. Funding.

17 A drug and alcohol or other recovery house shall not receive  
18 funding from the department or any State agency without  
19 certification.

20 Section 2305-A. Certification.

21 (a) Time period.--Certification shall last for a period of  
22 three years.

23 (b) Compliance of existing houses.--Drug and alcohol  
24 recovery houses in existence on the effective date of this  
25 section may be deemed certified by the department if they  
26 provide documentation to the department providing proof they are  
27 in compliance with the regulations promulgated by the  
28 department.

29 (c) Fee.--The department shall establish a fee to be paid by  
30 each drug and alcohol recovery house adequate to carry out the

1 provisions of this article.

2 Section 2306-A. Registry.

3 The department shall create and maintain a registry of all  
4 certified drug and alcohol recovery houses within this  
5 Commonwealth. Providers of drug and alcohol treatment programs,  
6 as well as any public agencies which provide such services,  
7 shall refer clients only to drug and alcohol recovery houses  
8 certified by the department.

9 Section 2307-A. Violations.

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

16 Section 2308-A. Restricted account.

17 All fines and fees collected shall be deposited into a  
18 restricted account in the department known as the Drug and  
19 Alcohol Recovery House Fund. Funds in this account are to be  
20 utilized for the enforcement of this article.

21 Section 2309-A. Compliance with other laws.

22 In order to receive and maintain certification, all drug and  
23 alcohol recovery houses must be in compliance with all Federal,  
24 State and local ordinances. Failure to comply or remain in  
25 compliance shall result in loss of certification and removal  
26 from the registry.

27 Section 2310-A. Task force.

28 (a) General rule.--The department shall convene a task force  
29 to make recommendations to the department regarding standards  
30 and criteria for certification of drug and alcohol recovery

1 houses.

2 (b) Members.--The task force shall include the following  
3 members:

4 (1) The Secretary of Drug and Alcohol Programs or his  
5 designee.

6 (2) A representative from the Pennsylvania Board of  
7 Probation and Parole.

8 (3) Three individuals representing directors of county  
9 drug and alcohol services.

10 (4) Two individuals representing providers of drug and  
11 alcohol treatment facilities.

12 (5) Two individuals representing drug and alcohol  
13 recovery houses in this Commonwealth.

14 Section 2. This act shall take effect as follows:

15 (1) The addition of section 2303-A of the act shall take  
16 effect in 90 days.

17 (2) This section shall take effect immediately.

18 (3) The remainder of this act shall take effect in 120  
19 days.