

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, JUNE 20, 2017

AN ACT

1 ~~Amending Title 68 (Real and Personal Property) of the~~ <--
2 ~~Pennsylvania Consolidated Statutes, providing for drug and~~
3 ~~alcohol recovery houses and establishing the Drug and Alcohol~~
4 ~~Recovery House Fund.~~
5 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED, <--
6 AS AMENDED, "AN ACT PROVIDING FOR AND REORGANIZING THE
7 CONDUCT OF THE EXECUTIVE AND ADMINISTRATIVE WORK OF THE
8 COMMONWEALTH BY THE EXECUTIVE DEPARTMENT THEREOF AND THE
9 ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS
10 THEREOF, INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL
11 SCHOOLS, OR TEACHERS COLLEGES; ABOLISHING, CREATING,
12 REORGANIZING OR AUTHORIZING THE REORGANIZATION OF CERTAIN
13 ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING
14 THE POWERS AND DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND
15 ADMINISTRATIVE OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE
16 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE
17 SALARIES OF THE GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN
18 OTHER EXECUTIVE AND ADMINISTRATIVE OFFICERS; PROVIDING FOR
19 THE APPOINTMENT OF CERTAIN ADMINISTRATIVE OFFICERS, AND OF
20 ALL DEPUTIES AND OTHER ASSISTANTS AND EMPLOYES IN CERTAIN
21 DEPARTMENTS, BOARDS, AND COMMISSIONS; PROVIDING FOR THE
22 REGULATION OF PARI-MUTUEL THOROUGHbred HORSE RACING AND
23 HARNESS HORSE RACING ACTIVITIES, IMPOSING CERTAIN TAXES AND
24 PROVIDING FOR THE DISPOSITION OF FUNDS FROM PARI-MUTUEL
25 TICKETS; AND PRESCRIBING THE MANNER IN WHICH THE NUMBER AND
26 COMPENSATION OF THE DEPUTIES AND ALL OTHER ASSISTANTS AND
27 EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND COMMISSIONS SHALL
28 BE DETERMINED," IN POWERS AND DUTIES OF THE DEPARTMENT OF
29 DRUG AND ALCOHOL PROGRAMS, PROVIDING FOR DRUG AND ALCOHOL
30 RECOVERY HOUSES AND ESTABLISHING THE DRUG AND ALCOHOL
31 RECOVERY HOUSE FUND; AND MAKING EDITORIAL CHANGES.

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

3 ~~Section 1. Title 68 of the Pennsylvania Consolidated~~ <--
4 ~~Statutes is amended by adding a chapter to read:~~

5 CHAPTER 57

6 DRUG AND ALCOHOL RECOVERY HOUSES

7 Sec.

8 5701. Definitions.

9 5702. Powers and duties of department.

10 5703. Regulations for licensure or certification of drug and
11 alcohol recovery houses.

12 5704. Funding.

13 5705. Licensure or certification.

14 5706. Registry.

15 5707. Violations.

16 5708. Restricted account.

17 5709. Compliance with other laws.

18 § 5701. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Department." The Department of Drug and Alcohol Programs of
23 the Commonwealth.

24 "Drug and alcohol recovery house." Housing for individuals
25 recovering from drug or alcohol addiction, which provides those
26 individuals with a safe and supportive drug and alcohol free
27 environment, peer support and other recovery support services
28 that may include coordination of treatment services.

29 § 5702. Powers and duties of department.

30 The department shall license or certify drug and alcohol

~~1 recovery houses directly or through a contracted entity, as
2 defined by department guidelines, which shall adhere to National
3 Alliance for Recovery Residences standards with modifications
4 deemed necessary by the department. All referrals from State
5 agencies or State funded facilities shall be to licensed or
6 certified drug and alcohol recovery houses, and only licensed or
7 certified recovery houses may be eligible to receive Federal or
8 State funding to deliver drug and alcohol recovery housing
9 services.~~

~~10 § 5703. Regulations for licensure or certification of drug and
11 alcohol recovery houses.~~

~~12 (a) Regulations. The department may promulgate regulations
13 for the licensure or certification of drug and alcohol recovery
14 houses to ensure that the drug and alcohol recovery houses
15 provide a safe environment for residents. The regulations may
16 include, but not be limited to, the following:~~

~~17 (1) Upon admission, ensuring that residents are informed
18 of all drug and alcohol recovery house rules, residency
19 requirements and lease agreements.~~

~~20 (2) Policies and procedures for management of all funds
21 received and expended by the drug and alcohol recovery house
22 in accordance with standard accounting practices, including
23 funds received from or managed on behalf of residents of the
24 house.~~

~~25 (3) Policies and procedures addressing the safety and
26 protection of residents.~~

~~27 (4) Policies that promote recovery by requiring resident
28 participation in treatment, self help groups or other
29 recovery supports.~~

~~30 (5) Policies requiring abstinence from alcohol and other~~

1 ~~illicit drugs.~~

2 ~~(6) Procedures regarding appropriate use and security of~~
3 ~~medication.~~

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

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

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

16 ~~(2) Sections 204(b) and 301(10) of the act of October~~
17 ~~15, 1980 (P.L.950, No.164), known as the Commonwealth~~
18 ~~Attorneys Act.~~

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

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

26 ~~§ 5704. Funding.~~

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

1 ~~§ 5705. Licensure or certification.~~

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

4 ~~(b) Compliance of existing drug and alcohol recovery~~
5 ~~houses. A drug and alcohol recovery house in existence on the~~
6 ~~effective date of this section may be deemed licensed or~~
7 ~~certified by the department after inspection and if the drug and~~
8 ~~alcohol recovery house provides documentation to the department~~
9 ~~within 180 days after the promulgation of regulations by the~~
10 ~~department that it is in compliance with the regulations.~~

11 ~~(c) Fee. The department shall establish a fee to be paid by~~
12 ~~each drug and alcohol recovery house adequate to carry out the~~
13 ~~provisions of this chapter.~~

14 ~~§ 5706. Registry.~~

15 ~~The department shall create and maintain a publicly~~
16 ~~accessible registry on its publicly accessible Internet website~~
17 ~~of all licensed or certified drug and alcohol recovery houses~~
18 ~~within this Commonwealth, which shall be updated annually by the~~
19 ~~department.~~

20 ~~§ 5707. Violations.~~

21 ~~A person owning a drug and alcohol recovery house that has~~
22 ~~failed to attain or maintain licensure or certification of a~~
23 ~~drug and alcohol recovery house and has not been licensed or~~
24 ~~certified by the department shall pay a fine of \$1,000 for each~~
25 ~~violation.~~

26 ~~§ 5708. Restricted account.~~

27 ~~All fines and fees collected shall be deposited into a~~
28 ~~restricted account in the department which is established and~~
29 ~~shall be known as the Drug and Alcohol Recovery House Fund.~~
30 ~~Money in this account is to be utilized for the enforcement of~~

1 ~~this chapter.~~

2 ~~§ 5709. Compliance with other laws.~~

3 ~~In order to receive and maintain licensure or certification,~~
4 ~~all drug and alcohol recovery houses must be in compliance with~~
5 ~~all Federal, State and local ordinances. Failure to comply or~~
6 ~~remain in compliance shall result in loss of licensure or~~
7 ~~certification and removal from the registry.~~

8 ~~Section 2. This act shall take effect in 120 days.~~

9 SECTION 1. ARTICLE XXIII-A OF THE ACT OF APRIL 9, 1929 <--
10 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS
11 AMENDED BY ADDING A SUBARTICLE HEADING TO READ:

12 (A) GENERAL PROVISIONS

13 SECTION 2. ARTICLE XXIII-A OF THE ACT IS AMENDED BY ADDING A
14 SUBARTICLE TO READ:

15 (B) DRUG AND ALCOHOL RECOVERY HOUSES

16 SECTION 2311-A. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "DEPARTMENT." THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS OF
21 THE COMMONWEALTH.

22 "DRUG AND ALCOHOL RECOVERY HOUSE." HOUSING FOR INDIVIDUALS
23 RECOVERING FROM DRUG OR ALCOHOL ADDICTION, WHICH PROVIDES THOSE
24 INDIVIDUALS WITH A SAFE AND SUPPORTIVE DRUG AND ALCOHOL-FREE
25 ENVIRONMENT, PEER SUPPORT AND OTHER RECOVERY SUPPORT SERVICES
26 THAT MAY INCLUDE COORDINATION OF TREATMENT SERVICES.

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

28 THE DEPARTMENT SHALL LICENSE OR CERTIFY DRUG AND ALCOHOL
29 RECOVERY HOUSES DIRECTLY OR THROUGH A CONTRACTED ENTITY, AS
30 DEFINED BY DEPARTMENT GUIDELINES, WHICH SHALL ADHERE TO NATIONAL

1 ALLIANCE FOR RECOVERY RESIDENCES STANDARDS WITH MODIFICATIONS
2 DEEMED NECESSARY BY THE DEPARTMENT. ALL REFERRALS FROM STATE
3 AGENCIES OR STATE-FUNDED FACILITIES SHALL BE TO LICENSED OR
4 CERTIFIED DRUG AND ALCOHOL RECOVERY HOUSES, AND ONLY LICENSED OR
5 CERTIFIED RECOVERY HOUSES MAY BE ELIGIBLE TO RECEIVE FEDERAL OR
6 STATE FUNDING TO DELIVER DRUG AND ALCOHOL RECOVERY HOUSING
7 SERVICES.

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

10 (A) REGULATIONS.--THE DEPARTMENT MAY PROMULGATE REGULATIONS
11 FOR THE LICENSURE OR CERTIFICATION OF DRUG AND ALCOHOL RECOVERY
12 HOUSES THAT RECEIVE FUNDS OR REFERRALS FROM THE DEPARTMENT, OR A
13 FEDERAL, STATE OR OTHER COUNTY AGENCY, TO ENSURE THAT THE DRUG
14 AND ALCOHOL RECOVERY HOUSES PROVIDE A SAFE ENVIRONMENT FOR
15 RESIDENTS. THE REGULATIONS MAY INCLUDE, BUT NOT BE LIMITED TO,
16 THE FOLLOWING:

17 (1) UPON ADMISSION, ENSURING THAT RESIDENTS ARE INFORMED
18 OF ALL DRUG AND ALCOHOL RECOVERY HOUSE RULES, RESIDENCY
19 REQUIREMENTS AND LEASE AGREEMENTS.

20 (2) POLICIES AND PROCEDURES FOR MANAGEMENT OF ALL FUNDS
21 RECEIVED AND EXPENDED BY THE DRUG AND ALCOHOL RECOVERY HOUSE
22 IN ACCORDANCE WITH STANDARD ACCOUNTING PRACTICES, INCLUDING
23 FUNDS RECEIVED FROM OR MANAGED ON BEHALF OF RESIDENTS OF THE
24 HOUSE. AS USED IN THIS PARAGRAPH, THE TERM "FUNDS" DOES NOT
25 INCLUDE PUBLIC ASSISTANCE BENEFITS, INCLUDING, BUT NOT
26 LIMITED TO, MEDICAL ASSISTANCE, CASH ASSISTANCE AND FOOD
27 STAMPS.

28 (3) POLICIES AND PROCEDURES ADDRESSING THE SAFETY AND
29 PROTECTION OF RESIDENTS.

30 (4) POLICIES THAT PROMOTE RECOVERY BY REQUIRING RESIDENT

1 PARTICIPATION IN TREATMENT, SELF-HELP GROUPS OR OTHER
2 RECOVERY SUPPORTS.

3 (5) POLICIES REQUIRING ABSTINENCE FROM ALCOHOL AND OTHER
4 ILLICIT DRUGS.

5 (6) PROCEDURES REGARDING APPROPRIATE USE AND SECURITY OF
6 MEDICATION.

7 (7) THE MAINTENANCE OF THE PROPERTY IN WHICH THE DRUG
8 AND ALCOHOL RECOVERY HOUSE IS LOCATED, INCLUDING, BUT NOT
9 LIMITED TO, THE INSTALLATION OF FUNCTIONING SMOKE DETECTORS,
10 CARBON MONOXIDE DETECTORS AND FIRE EXTINGUISHERS.

11 (8) POLICIES AND PROCEDURES WHICH PROHIBIT AN OWNER,
12 HOUSE ADMINISTRATOR OR EMPLOYEE OF A DRUG AND ALCOHOL
13 RECOVERY HOUSE FROM REQUIRING A RESIDENT TO SIGN ANY DOCUMENT
14 FOR THE PURPOSE OF RELINQUISHING THE RESIDENT'S PUBLIC
15 ASSISTANCE BENEFITS, INCLUDING, BUT NOT LIMITED TO, MEDICAL
16 ASSISTANCE, CASH ASSISTANCE AND FOOD STAMPS.

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 EFFECTIVE DATE OF THIS SECTION MAY BE DEEMED LICENSED OR
16 CERTIFIED BY THE DEPARTMENT AFTER INSPECTION AND IF THE DRUG AND
17 ALCOHOL RECOVERY HOUSE PROVIDES DOCUMENTATION TO THE DEPARTMENT
18 WITHIN 180 DAYS AFTER THE PROMULGATION OF REGULATIONS BY THE
19 DEPARTMENT THAT IT IS IN COMPLIANCE WITH THE REGULATIONS
20 PROMULGATED BY THE DEPARTMENT.

21 (C) FEE.--THE DEPARTMENT SHALL ESTABLISH A FEE TO BE PAID BY
22 EACH DRUG AND ALCOHOL RECOVERY HOUSE ADEQUATE TO CARRY OUT THE
23 PROVISIONS OF THIS SUBARTICLE.

24 SECTION 2316-A. REGISTRY.

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

30 SECTION 2317-A. VIOLATIONS.

1 (A) PENALTIES.--A PERSON OWNING A DRUG AND ALCOHOL RECOVERY
2 HOUSE THAT IS FUNDED, IN WHOLE OR IN PART, WITH FUNDING FROM THE
3 DEPARTMENT, OR A FEDERAL, OTHER STATE OR COUNTY AGENCY, THAT HAS
4 FAILED TO ATTAIN OR MAINTAIN LICENSURE OR CERTIFICATION OF A
5 DRUG AND ALCOHOL RECOVERY HOUSE AND HAS NOT BEEN LICENSED OR
6 CERTIFIED BY THE DEPARTMENT SHALL PAY A FINE OF \$1,000 FOR EACH
7 VIOLATION.

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

13 SECTION 2318-A. RESTRICTED ACCOUNT.

14 ALL FINES AND FEES COLLECTED SHALL BE DEPOSITED INTO A
15 RESTRICTED ACCOUNT IN THE DEPARTMENT WHICH IS ESTABLISHED AND
16 SHALL BE KNOWN AS THE DRUG AND ALCOHOL RECOVERY HOUSE FUND.
17 MONEY IN THIS ACCOUNT IS TO BE UTILIZED FOR THE ENFORCEMENT OF
18 THIS SUBARTICLE.

19 SECTION 2319-A. COMPLIANCE WITH OTHER LAWS.

20 IN ORDER TO RECEIVE AND MAINTAIN LICENSURE OR CERTIFICATION,
21 ALL DRUG AND ALCOHOL RECOVERY HOUSES MUST BE IN COMPLIANCE WITH
22 ALL FEDERAL, STATE AND LOCAL ORDINANCES. FAILURE TO COMPLY OR
23 REMAIN IN COMPLIANCE SHALL RESULT IN LOSS OF LICENSURE OR
24 CERTIFICATION AND REMOVAL FROM THE REGISTRY.

25 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 120 DAYS.