

No. 2017-59

AN ACT

SB 446

Amending the act of April 9, 1929 (P.L.177, No.175), entitled, as amended, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; providing for judicial administration; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," in powers and duties of the Department of Drug and Alcohol Programs, providing for drug and alcohol recovery houses and establishing the Drug and Alcohol Recovery House Fund; and making editorial changes.

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

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

(a) General Provisions

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

(b) Drug and Alcohol Recovery Houses

Section 2311-A. Definitions.

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

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

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

Section 2312-A. Powers and duties of department.

(a) Licensure or certification.—The department shall license or certify drug and alcohol recovery houses. The following shall apply:

(1) All referrals from State agencies or State-funded facilities shall be to licensed or certified drug and alcohol recovery houses.

(2) Only licensed or certified drug and alcohol recovery houses may be eligible to receive Federal or State funding to deliver drug and alcohol recovery housing services.

(3) Individuals whose treatment is funded with Federal or State funding shall only be referred to a certified drug and alcohol recovery house.

(4) A State or county court shall give first consideration to a certified drug and alcohol recovery house when residential recommendations are made for individuals under their supervision.

(b) Timing.—Licensure or certification shall occur no later than two years from the effective date of this section.

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

The department shall promulgate final-omitted regulations for the licensure or certification of drug and alcohol recovery houses that receive funds or referrals from the department, or a Federal, State or other county agency, to ensure that a drug and alcohol recovery house provides a safe environment for residents. The regulations shall include, but not be limited to, the following:

(1) A policy that ensures that residents are informed of all drug and alcohol recovery house rules, residency requirements and lease agreements.

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

(3) Policies regarding criminal background checks for operators and employees of the drug and alcohol recovery house.

(4) A policy that no drug and alcohol recovery house owner, employee, house officer or individual related to a drug and alcohol recovery house owner, employee or house officer shall directly or indirectly solicit or accept a commission, fee or anything of monetary or material value from residents, other related individuals, third party entities or referral sources, beyond specified rent established in writing at the time of residency.

(5) Policies and procedures addressing the safety and protection of residents.

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

(7) Policies requiring abstinence from alcohol and illicit drugs.

(8) Procedures regarding appropriate use and security of medication.

(9) Maintenance of the property in which the drug and alcohol recovery house is located, including, but not limited to, the installation of functioning smoke detectors, carbon monoxide detectors and fire extinguishers and compliance with local fire codes.

(10) Policies and procedures which prohibit an owner, house administrator or employee of a drug and alcohol recovery house from requiring a resident to sign any document for the purpose of

relinquishing the resident's public assistance benefits, including, but not limited to, medical assistance benefits, cash assistance and SNAP benefits.

(11) Policies and procedures for managing complaints about licensed or certified drug and alcohol recovery houses.

(12) Requirements for notification of a family member or other emergency contact designated by the resident under certain circumstances, including, but not limited to, death due to an overdose.

Section 2314-A. Licensure or certification.

(a) Time period.—Licensure or certification of a drug and alcohol recovery house shall be for a period of one year.

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

(c) Fee schedule.—

(1) The department shall establish fees to be paid by each drug and alcohol recovery house licensed or certified by the department that are adequate to carry out the provisions of this subarticle as follows:

(i) A fee for initial certification or licensure.

(ii) A fee for recertification or continuing licensure.

(iii) A fee for investigation of complaints.

(2) The distribution of the fees shall be determined by the department.

(3) In order for fees to be kept at a minimum, the department shall seek all possible other funding, including any available Federal grants.

Section 2315-A. Registry.

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

Section 2316-A. Violations.

(a) Penalties.—A person operating a drug and alcohol recovery house that is funded, in whole or in part, by the department or a Federal, other State or county agency, that has failed to attain or maintain licensure or certification of a drug and alcohol recovery house and has not been licensed or certified by the department shall pay a fine of up to \$1,000 for each violation.

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

Section 2317-A. Drug and Alcohol Recovery House Fund.

(a) Establishment.—The Drug and Alcohol Recovery House Fund is established in the State Treasury. Money in the fund shall be used for the enforcement of this subarticle.

(b) Deposit.—All fines and fees collected under this subarticle shall be deposited into the Drug and Alcohol Recovery House Fund.

Section 2318-A. Compliance with other laws.

In order to receive and maintain licensure or certification, a drug and alcohol recovery house must be in compliance with all Federal, State and local laws, including, but not limited to, the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327). Failure to comply or remain in compliance shall result in loss of licensure or certification and removal from the registry.

Section 3. This act shall take effect in 180 days.

APPROVED—The 19th day of December, A.D. 2017

TOM WOLF