

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 36

Introduced by Assembly Member Strickland
(Principal coauthor: Assembly Member Chu)

December 6, 2004

~~An act to amend Section 35570 of the Education Code, relating to school districts. An act to amend Sections 11831.5, 11834.01, 11834.02, 11834.09, 11834.10, 11834.15, 11834.17, 11834.18, 11834.20, 11834.21, 11834.22, 11834.23, 11834.24, 11834.25, 11834.26, 11834.30, 11834.31, 11834.32, 11834.36, and 11834.50 of, to add Sections 11834.04 and 11834.11 to, and to repeal and add Section 11834.16 of, the Health and Safety Code, relating to substance abuse.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 36, as amended, Strickland. ~~Bonded indebtedness.~~ *Substance abuse: adult recovery maintenance facilities.*

Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. Existing law requires the department to grant certification to any alcoholism or drug abuse recovery or treatment program wishing to receive, and requesting, the certification. Existing law prohibits the department from levying a fee for certification of

nonprofit organizations or local governmental entities under these provisions.

This bill would require the department to also administer the licensure, certification, and regulation of adult recovery maintenance facilities, as defined. This bill would delete the prohibition against levying fees for certification of nonprofit organizations or local governmental entities.

Existing law requires the department to calculate and establish a fee for initial licensure, and for extension of the period of licensure, of an alcoholism or drug abuse recovery or treatment facility. Existing law also prohibits fees from being levied for licensure of nonprofit organizations or local government entities.

This bill would eliminate the prohibition against levying licensing fees for licensure of nonprofit organizations or local government entities, with respect to fees for licensure of an alcoholism or drug abuse recovery or treatment facility or an adult recovery maintenance facility.

This bill would establish the Residential and Outpatient Programs Compliance Branch Licensing and Certification Trust Fund in the State Treasury. The bill would require the trust fund, upon appropriation by the Legislature, to be used exclusively to cover administrative costs of the licensing and certification process established by the bill.

~~Existing law prescribes the liability for the outstanding bonded indebtedness of a school district when it is created, annexed, or abolished, or when the boundaries of the school district are changed. Existing law makes these provisions applicable only to reallocation of bonded indebtedness of a school district on general obligation bonds if the bonded indebtedness was approved by the voters prior to July 1, 1978, or if the bonded indebtedness was incurred for the acquisition or improvement of real property and was approved on or after July 1, 1978, by 2/3 of the votes cast by the voters voting on the proposition.~~

~~This bill would make those provisions applicable also if the bonded indebtedness was incurred for the acquisition or improvement of real property and was approved on or after January 1, 2001, by 55% of the votes cast by the voters voting on the proposition at a regularly scheduled election or a statewide special election.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 11831.5 of the Health and Safety Code*
2 *is amended to read:*

3 11831.5. (a) Certification shall be granted by the department
4 pursuant to this section to any alcoholism or drug abuse recovery
5 or treatment program wishing to receive, and requesting, the
6 certification regardless of the source of the program's funding.

7 (b) The purposes of certification under this section shall be all
8 of the following:

9 (1) To identify programs that exceed minimal levels of service
10 quality, are in substantial compliance with the department's
11 standards, and merit the confidence of the public, third-party
12 payers, and county alcohol and drug programs.

13 (2) To encourage programs to meet their stated goals and
14 objectives.

15 (3) To encourage programs to strive for increased quality of
16 service through recognition by the state and by peer programs in
17 the alcoholism and drug field.

18 (4) To assist programs to identify their needs for technical
19 assistance, training, and program improvements.

20 (c) Certification may be granted under this section on the basis
21 of evidence satisfactory to the department that the requesting
22 alcoholism or drug abuse recovery or treatment program has an
23 accreditation by a statewide or national alcohol or drug program
24 accrediting body. The accrediting body shall provide
25 accreditation that meets or exceeds the department's standards
26 and is recognized by the department.

27 ~~(d) No fee shall be levied by the department for certification of~~
28 ~~nonprofit organizations or local governmental entities under this~~
29 ~~section.~~

30 ~~(e)~~

31 (d) Certification, or the lack thereof, shall not convey any
32 approval or disapproval by the department, but shall be for
33 information purposes only.

34 ~~(f)~~

35 (e) The standards developed pursuant to Section 11830 and the
36 certification under this section shall satisfy the requirements of
37 Section 1463.16 of the Penal Code.

38 ~~(g)~~

1 (f) The department and the State Department of Social
 2 Services shall enter into ~~a memorandum of understanding an~~
 3 *interagency agreement* to establish a process by which the
 4 Department of Alcohol and Drug Programs can certify residential
 5 facilities or programs serving primarily adolescents, as defined in
 6 paragraph (1) of subdivision (a) of Section 1502, ~~that have~~
 7 ~~programs that primarily serve adolescents and provide alcohol~~
 8 ~~and other~~ *and providing alcoholism and drug recovery or*
 9 *treatment services.*

10 *SEC. 2. Section 11834.01 of the Health and Safety Code is*
 11 *amended to read:*

12 11834.01. (a) The department has the sole authority in state
 13 government to license adult alcoholism or drug abuse recovery or
 14 treatment facilities *and adult recovery maintenance facilities.*

15 ~~(a)~~

16 (b) In administering this chapter, the department shall issue
 17 new licenses for a period of two years to those programs that
 18 meet the criteria for licensure set forth in Section 11834.03, *and*
 19 *the criteria for certification set forth in Chapter 7 (commencing*
 20 *with Section 11830).*

21 ~~(b)~~

22 (c) Onsite program visits for compliance shall be conducted at
 23 least once during ~~the license period~~ *each licensure or*
 24 *certification period. However, the department may waive an*
 25 *onsite program visit for compliance no more than once every*
 26 *other licensure or certification period if the provider has*
 27 *demonstrated satisfactory compliance as determined by*
 28 *regulation.*

29 ~~(c)~~

30 (d) The department may conduct announced or unannounced
 31 site visits to facilities licensed pursuant to this chapter for the
 32 purpose of reviewing for compliance with all applicable statutes
 33 and regulations.

34 (e) *Except where otherwise directly stated or necessarily*
 35 *implied, all provisions of this chapter shall apply to adult*
 36 *alcoholism or drug abuse recovery treatment facilities and to*
 37 *adult recovery maintenance facilities.*

38 (f) *On or before July 1, 2006, the department, in consultation*
 39 *with providers of alcohol and other drug recovery, treatment,*
 40 *detoxification, and adult recovery maintenance services, county*

1 alcohol and drug program administrators, local government
2 jurisdictions, funding and referral organizations and agencies,
3 and appropriate state agencies, shall develop and adopt
4 emergency regulations governing the licensing and operation of
5 adult recovery maintenance facilities.

6 SEC. 3. Section 11834.02 of the Health and Safety Code is
7 amended to read:

8 11834.02. (a) As used in this chapter, ~~“alcoholism~~ the
9 following terms have the following meanings:

10 (1) ~~“Alcoholism or drug abuse recovery or treatment facility”~~
11 ~~or “facility”~~ means any premises, place, or building that provides
12 24-hour residential nonmedical services to adults who are
13 recovering from problems related to alcohol, drug, or alcohol and
14 drug misuse or abuse, and who ~~need~~ receive alcohol, drug, or
15 alcohol and drug recovery treatment or detoxification services.

16 ~~(b) As used in this chapter, “adults” may include, but is not~~
17 ~~limited to, all of the following:~~

18 ~~(1) Mothers over~~

19 (2) *“Adult recovery maintenance facility” means any facility,*
20 *place, or building that provides alcohol- or drug-free housing*
21 *whose rules, peer-led groups, staff activities, or other structured*
22 *operations are directed toward maintenance of sobriety for*
23 *adults in early recovery from substance abuse or who recently*
24 *have completed alcoholism or drug abuse recovery or treatment*
25 *services. This facility is designed to promote independent living*
26 *in a supervised setting, but does not provide professional*
27 *recovery and treatment services onsite. The facility may require*
28 *that adults receive offsite certified alcoholism or other drug*
29 *treatment services. The facility is otherwise authorized to receive*
30 *public funds for individual residents.*

31 (3) *“Adults” may include, but are not limited to, the following:*

32 (A) *Persons 18 years of age or older and their minor children.*

33 ~~(2)~~

34 (B) *Emancipated minors, which may include, but is are not*
35 *limited to, mothers persons under 18 years of age and their minor*
36 *children.*

37 ~~(e) As used in this chapter, “emancipated~~

38 (4) *“Emancipated minors” means persons under 18 years of*
39 *age who have acquired emancipation status pursuant to Section*
40 *7002 of the Family Code.*

1 ~~(d)~~
 2 (b) Notwithstanding *paragraph (1)* of subdivision (a), an
 3 alcoholism or drug abuse recovery or treatment facility may
 4 serve adolescents upon the issuance of a waiver granted by the
 5 department pursuant to regulations adopted under subdivision (c)
 6 of Section 11834.50.

7 SEC. 4. *Section 11834.04 is added to the Health and Safety*
 8 *Code, to read:*

9 11834.04. (a) *Sober living homes are exempt from licensing.*
 10 *However, to assure quality assurance of sober living homes, the*
 11 *department may recognize sober living homes that have been*
 12 *certified, registered, or approved by a recognized government or*
 13 *nonprofit organization that provides a credible quality assurance*
 14 *service.*

15 (b) *“Sober living homes” means homes that provide room or*
 16 *board or both, and that require residents to abstain from using*
 17 *alcohol or illicit drugs, but do not provide or require*
 18 *participation in any recovery maintenance activities, do not*
 19 *require supervision, do not receive public funds for individual*
 20 *residents, and do not maintain case management files as a*
 21 *condition of residency. However, residents may form or*
 22 *participate in peer-led self help groups within a sober living*
 23 *home.*

24 SEC. 5. *Section 11834.09 of the Health and Safety Code is*
 25 *amended to read:*

26 11834.09. (a) Upon receipt of a completed written
 27 application for initial licensure or extension of licensure, fire
 28 clearance, and ~~licensing~~ applicable fee from the ~~prospective~~
 29 ~~licensee applicant~~, and subject to the department’s review and
 30 determination that the ~~prospective licensee applicant~~ can comply
 31 with this chapter and regulations adopted pursuant to this
 32 chapter, the department may issue ~~a~~ any of the following:

33 (1) A single license to the following types of alcoholism or
 34 drug abuse recovery or treatment facilities:

35 ~~(1)~~
 36 (A) A residential facility.

37 ~~(2)~~
 38 (B) A facility wherein separate buildings or portions of a
 39 residential facility are integral components of a single alcoholism
 40 or drug abuse recovery or treatment facility and all of the

1 components of the facility are managed by the same ~~licensee~~
2 *provider*.

3 ~~(b)~~

4 (2) *A single license to an adult recovery maintenance facility.*

5 (3) *A single certification to an outpatient program.*

6 (b) *The department shall commence the licensure of adult*
7 *recovery maintenance facilities only after developing and*
8 *adopting regulations for purposes of Section 11834.01. However,*
9 *the licensing activity shall not commence later than January 1,*
10 *2007.*

11 (c) *Failure to submit a completed written application for initial*
12 *licensure or extension of licensure, fire clearance, and payment*
13 *of the required licensing or certification fee in a timely manner*
14 *shall result in termination of the department's licensure or*
15 *certification review and shall require submission of a new*
16 *application by the prospective licensee applicant.*

17 ~~(e)~~

18 (d) *Failure of the ~~prospective~~ licensee applicant to*
19 *demonstrate the ability to comply with this chapter or the*
20 *regulations adopted pursuant to this chapter shall result in*
21 *departmental denial of the ~~prospective~~ licensee's applicant's*
22 *application for licensure or certification.*

23 *SEC. 6. Section 11834.10 of the Health and Safety Code is*
24 *amended to read:*

25 11834.10. *A licensee shall not operate an alcoholism or drug*
26 *abuse recovery or treatment facility or an adult recovery*
27 *maintenance facility beyond the conditions and limitations*
28 *specified on the license.*

29 *SEC. 7. Section 11834.11 is added to the Health and Safety*
30 *Code, to read:*

31 11834.11. *On and after January 1, 2006, no state or local*
32 *social services, law enforcement, corrections agency, court,*
33 *probation officer, or parole officer shall refer any person to an*
34 *alcoholism or drug abuse recovery or treatment facility or an*
35 *adult recovery maintenance facility that is not licensed.*

36 *SEC. 8. Section 11834.15 of the Health and Safety Code is*
37 *amended to read:*

38 11834.15. (a) *The department shall calculate and establish*
39 *the fee for initial licensure or certification and for extension of*
40 *the period of licensure or certification. The nonrefundable*

1 licensing or certification fee shall be calculated every two years
2 in an amount sufficient to cover the department's cost in
3 administering the licensure under this chapter for other than
4 nonprofit organizations and local governmental entities. No fee
5 shall be levied for licensure of nonprofit organizations or local
6 governmental entities.

7 (b)

8 (1) The initial fee for licensure or certification shall equal the
9 department's cost of processing the application, performing the
10 onsite visit, conducting followup visits, and investigating
11 complaints.

12 (2) The extension fee for licensure or certification shall equal
13 the department's cost of processing the extension application,
14 performing compliance visits, and investigating complaints.

15 (b) The licensing and certification fees required pursuant to
16 this section may be imposed by the department as of January 1,
17 2006, for all initial and extension applications.

18 (c) The department may assess civil penalties in accordance
19 with Sections 11834.31 and 11834.34.

20 (d) The department may charge a fee to cover the cost of a
21 followup visit to determine program compliance.

22 (e) On or before January 1, 2006, the department shall adopt
23 emergency regulations to implement the fee process for initial
24 licensure, extension of licensure, initial certification, extension of
25 certification, followup compliance visit, and civil penalty.

26 (f) There is hereby established in the State Treasury a
27 Residential and Outpatient Programs Compliance Branch
28 Licensing and Certification Trust Fund. All initial licensure fees,
29 extension of licensure fees, initial certification fees, extension of
30 certification fees, followup compliance visit fees, and civil
31 penalty fees collected from the providers of licensing and
32 certification services shall be deposited into this fund.

33 (g) (1) Upon appropriation by the Legislature, the trust fund
34 shall be used exclusively to cover the administrative costs of the
35 licensing and certification process incurred by the department,
36 including staff salaries and benefits, related travel costs, and
37 state operational and administrative costs.

38 (2) A reserve equal to 10 percent of the total initial licensure
39 fees, extension of licensure fees, initial certification fees,
40 extension of certification fees, followup compliance visit fees,

1 *and civil penalty fees collected during the preceding fiscal year*
2 *may be held in each trust account to reimburse the department if*
3 *the actual cost for the licensure, certification, inspection, and*
4 *investigation exceed fees collected during a fiscal year.*

5 *(3) Except as otherwise provided in this section, if funds*
6 *remain in the trust fund after appropriation by the Legislature*
7 *and allocation for the costs associated with the initial licensure*
8 *and extension of licensure of alcoholism or drug abuse recovery*
9 *or treatment facilities, the initial licensure or extension of*
10 *licensure of adult recovery maintenance facilities, the initial*
11 *licensure and extension certification of outpatient programs, and*
12 *followup compliance visits, a percentage of the excess funds, to*
13 *be determined by the department, shall be annually set aside for*
14 *technical assistance and training of providers.*

15 *SEC. 9. Section 11834.16 of the Health and Safety Code is*
16 *repealed.*

17 ~~11834.16. A license shall be valid for a period of two years~~
18 ~~from the date of issuance. The department may extend the~~
19 ~~licensure period for subsequent two-year periods upon~~
20 ~~submission by the licensee of a completed written application for~~
21 ~~extension and payment of the required licensing fee prior to the~~
22 ~~expiration date shown on the license. Failure to submit to the~~
23 ~~department the required written application for extension of the~~
24 ~~licensing period, or failure to submit to the department the~~
25 ~~required licensing fee prior to the expiration date on the license,~~
26 ~~shall result in the automatic expiration of the license at the end of~~
27 ~~the two-year licensing period.~~

28 *SEC. 10. Section 11834.16 is added to the Health and Safety*
29 *Code, to read:*

30 *11834.16. In order to obtain a license or certification, the*
31 *provider shall submit to the department a complete written*
32 *application for extension and appropriate licensure or*
33 *certification fee for each subsequent two-year period 30 days*
34 *prior to the expiration date shown on the license or certification.*
35 *Failure to submit the required written application and extension*
36 *fee prior to the expiration date shown on the license or*
37 *certification shall result in automatic termination of the license*
38 *or certification by the operation of law.*

39 *SEC. 11. Section 11834.17 of the Health and Safety Code is*
40 *amended to read:*

1 11834.17. No city, county, city and county, or district shall
 2 adopt or enforce any building ordinance or local rule or
 3 ~~regulations~~ *regulation* relating to the subject of fire and life
 4 safety in alcoholism and drug abuse recovery facilities ~~which or~~
 5 *adult recovery maintenance facilities that* is more restrictive than
 6 those standards adopted by the State Fire Marshal.

7 *SEC. 12. Section 11834.18 of the Health and Safety Code is*
 8 *amended to read:*

9 11834.18. (a) Nothing in this chapter shall authorize the
 10 imposition of rent regulations or controls for licensed alcoholism
 11 or drug abuse recovery or treatment facilities *or adult recovery*
 12 *maintenance facilities.*

13 (b) Licensed alcoholism and drug abuse recovery or treatment
 14 facilities *and adult recovery maintenance facilities* shall not be
 15 subject to controls on rent imposed by any state or local agency
 16 or other local government or entity.

17 *SEC. 13. Section 11834.20 of the Health and Safety Code is*
 18 *amended to read:*

19 11834.20. The Legislature hereby declares that it is the policy
 20 of this state that each county and city shall permit and encourage
 21 the development of sufficient numbers and types of alcoholism or
 22 drug abuse recovery or treatment facilities *and adult recovery*
 23 *maintenance facilities* as are commensurate with local need.

24 The provisions of this article apply equally to any chartered
 25 city, general law city, county, city and county, district, and any
 26 other local public entity.

27 For the purposes of this article, “six or fewer persons” does not
 28 include the licensee ~~or~~, members of the licensee’s family ~~or~~,
 29 persons employed as facility staff, *or minor dependents of the*
 30 *resident.*

31 *SEC. 14. Section 11834.21 of the Health and Safety Code is*
 32 *amended to read:*

33 11834.21. Any person licensed under this chapter who
 34 operates or proposes to operate an alcoholism or drug abuse
 35 recovery or treatment facility *or an adult recovery maintenance*
 36 *facility*, the department or other public agency authorized to
 37 license such a facility, or any public or private agency ~~which that~~
 38 uses or may use the services of the facility to place its clients,
 39 may invoke the provisions of this article.

1 This section shall not be construed to prohibit any interested
2 party from bringing suit to invoke the provisions of this article.

3 *SEC. 15. Section 11834.22 of the Health and Safety Code is*
4 *amended to read:*

5 11834.22. An alcoholism or drug abuse recovery or treatment
6 facility—~~which~~ *or an adult recovery maintenance facility that*
7 serves six or fewer persons shall not be subject to any business
8 taxes, local registration fees, use permit fees, or other fees to
9 which other single-family dwellings are not likewise subject.
10 Nothing in this section shall be construed to forbid the imposition
11 of local property taxes, fees for water service and garbage
12 collection, fees for inspections not prohibited by Section
13 11834.23, local bond assessments, and other fees, charges, and
14 assessments to which other single-family dwellings are likewise
15 subject. Neither the State Fire Marshal nor any local public entity
16 shall charge any fee for enforcing fire inspection regulations
17 pursuant to state law or regulation or local ordinance, with
18 respect to alcoholism or drug abuse recovery or treatment
19 facilities—~~which~~ *or adult recovery maintenance facilities that*
20 serve six or fewer persons.

21 *SEC. 16. Section 11834.23 of the Health and Safety Code is*
22 *amended to read:*

23 11834.23. Whether or not unrelated persons are living
24 together, an alcoholism or drug abuse recovery or treatment
25 facility—~~which~~ *or an adult recovery maintenance facility that*
26 serves six or fewer persons shall be considered a residential use
27 of property for the purposes of this article. In addition, the
28 residents and operators of—~~such a~~ *the* facility shall be considered
29 a family for the purposes of any law or zoning ordinance—~~which~~
30 *that* relates to the residential use of property pursuant to this
31 article.

32 For the purpose of all local ordinances, an alcoholism or drug
33 abuse recovery or treatment facility—~~which~~ *or an adult recovery*
34 *maintenance facility that* serves six or fewer persons shall not be
35 included within the definition of a boarding house, rooming
36 house, institution or home for the care of minors, the aged, or the
37 mentally infirm, foster care home, guest home, rest home,
38 sanitarium, mental hygiene home, or other similar term—~~which~~
39 *that* implies that the alcoholism or drug abuse recovery or
40 treatment home *or the adult recovery maintenance facility* is a

1 business run for profit or differs in any other way from a
2 single-family residence.

3 This section shall not be construed to forbid any city, county,
4 or other local public entity from placing restrictions on building
5 heights, setback, lot dimensions, or placement of signs of an
6 alcoholism or drug abuse recovery or treatment facility ~~which or~~
7 *an adult recovery maintenance facility that* serves six or fewer
8 persons as long as the restrictions are identical to those applied to
9 other single-family residences.

10 This section shall not be construed to forbid the application to
11 an alcoholism or drug abuse recovery or treatment facility *or an*
12 *adult recovery maintenance facility* of any local ordinance ~~which~~
13 *that* deals with health and safety, building standards,
14 environmental impact standards, or any other matter within the
15 jurisdiction of a local public entity. However, the ordinance shall
16 not distinguish alcoholism or drug abuse recovery or treatment
17 facilities ~~which or adult recovery maintenance facilities that~~
18 serve six or fewer persons from other single-family dwellings or
19 distinguish residents of alcoholism or drug abuse recovery or
20 treatment facilities *or adult recovery maintenance facilities* from
21 persons who reside in other single-family dwellings.

22 No conditional use permit, zoning variance, or other zoning
23 clearance shall be required of an alcoholism or drug abuse
24 recovery or treatment facility ~~which or an adult recovery~~
25 *maintenance facility that* serves six or fewer persons that is not
26 required of a single-family residence in the same zone.

27 Use of a single-family dwelling for purposes of an alcoholism
28 or drug abuse recovery facility *or an adult recovery maintenance*
29 *facility* serving six or fewer persons shall not constitute a change
30 of occupancy for purposes of Part 1.5 (commencing with Section
31 17910) of Division 13 or local building codes. However, nothing
32 in this section is intended to supersede Section 13143 or 13143.6,
33 to the extent those sections are applicable to alcoholism or drug
34 abuse recovery or treatment facilities *or adult recovery*
35 *maintenance facilities* serving six or fewer residents.

36 *SEC. 17. Section 11834.24 of the Health and Safety Code is*
37 *amended to read:*

38 11834.24. No fire inspection clearance or other permit,
39 license, clearance, or similar authorization shall be denied to an
40 alcoholism or drug abuse recovery or treatment facility *or an*

1 *adult recovery maintenance facility* because of a failure to
2 comply with local ordinances from which the facility is exempt
3 under Section 11834.23, if the applicant otherwise qualifies for a
4 fire clearance, license, permit, or similar authorization.

5 *SEC. 18. Section 11834.25 of the Health and Safety Code is*
6 *amended to read:*

7 11834.25. (a) For the purposes of any contract, deed, or
8 covenant for the transfer of real property executed on or after
9 January 1, 1979, an alcoholism or drug abuse recovery or
10 treatment facility ~~which~~ *that* serves six or fewer persons shall be
11 considered a residential use of property and a use of property by
12 a single family, notwithstanding any disclaimers to the contrary.

13 (b) *For the purposes of any contract, deed, or covenant for the*
14 *transfer of real property executed on or after January 1, 2006, an*
15 *adult recovery maintenance facility that serves six or fewer*
16 *persons shall be considered a residential use of property and a*
17 *use of property by a single family, notwithstanding any*
18 *disclaimers to the contrary.*

19 *SEC. 19. Section 11834.26 of the Health and Safety Code is*
20 *amended to read:*

21 11834.26. (a) ~~The licensee~~ *An alcoholism or drug abuse*
22 *recovery or treatment facility shall provide at least one of the*
23 *following nonmedical services:*

- 24 (1) Recovery services.
- 25 (2) Treatment services.
- 26 (3) Detoxification services.

27 (b) The department shall adopt regulations requiring records
28 and procedures that are appropriate for each of the services
29 specified in subdivision (a). The records and procedures may
30 include all of the following:

- 31 (1) Admission criteria.
- 32 (2) Intake process.
- 33 (3) Assessments.
- 34 (4) Recovery, treatment, or detoxification planning.
- 35 (5) Referral.
- 36 (6) Documentation of provision of recovery, treatment or
37 detoxification services.
- 38 (7) Discharge and continuing care planning.
- 39 (8) Indicators of recovery, treatment, or detoxification
40 outcomes.

1 (c) In the development of regulations implementing this
2 section, the written record requirements shall be modified or
3 adapted for social model programs.

4 (d) *An adult recovery maintenance facility shall provide, but*
5 *not be limited to providing, any of the following recovery*
6 *maintenance services:*

7 (1) *Aftercare.*

8 (2) *Referral to community resources.*

9 (3) *Referral to offsite certified alcoholism or other drug*
10 *treatment services when required.*

11 (4) *Documentation on progress made or services received*
12 *from referral agencies.*

13 (5) *Participation in self-help groups on or off premises.*

14 (e) *The adult recovery maintenance facility may require or*
15 *provide drug and alcohol testing and self-help groups on or off*
16 *the premises.*

17 (f) *The adult recovery maintenance facility shall maintain*
18 *records in order to document the services provided.*

19 SEC. 20. *Section 11834.30 of the Health and Safety Code is*
20 *amended to read:*

21 11834.30. (a) *No person, firm, partnership, association,*
22 *corporation, or local governmental entity shall operate, establish,*
23 *manage, conduct, or maintain an alcoholism or drug abuse*
24 *recovery or treatment facility or an adult recovery maintenance*
25 *facility to provide recovery, treatment, ~~or~~ detoxification, or*
26 *recovery maintenance services within this state without first*
27 *obtaining a current valid license issued pursuant to this chapter.*

28 (b) *No person, firm, partnership, association, corporation, or*
29 *local governmental entity shall operate, establish, manage,*
30 *conduct, or maintain an adult recovery maintenance facility to*
31 *provide recovery maintenance services within this state without*
32 *first obtaining a current valid license issued pursuant to this*
33 *chapter.*

34 (c) *Any facility that is operated primarily for the purpose of*
35 *providing alcoholism or drug abuse recovery or treatment*
36 *services or requires clients to obtain these services and requires*
37 *supervision shall be licensed.*

38 (d) *Any provider of both an alcoholism and drug abuse*
39 *recovery or treatment services facility and an adult recovery*

1 *maintenance facility shall hold a separate license for each*
2 *facility.*

3 *SEC. 21. Section 11834.31 of the Health and Safety Code is*
4 *amended to read:*

5 11834.31. If a facility is alleged to be in violation of Section
6 11834.30, the department shall conduct a site visit to investigate
7 the allegation. If the department's employee or agent finds
8 evidence that the facility is providing alcoholism or drug abuse
9 recovery, treatment, ~~or~~ detoxification, *or recovery maintenance*
10 *services* without a license, the employee or agent shall take the
11 following actions:

12 (a) Submit the findings of the investigation to the department.

13 (b) Upon departmental authorization, issue a written notice to
14 the facility stating that the facility is operating in violation of
15 Section 11834.30. The notice shall include all of the following:

16 (1) The date by which the facility shall cease providing
17 services.

18 (2) Notice that the department will assess against the facility a
19 civil penalty of two hundred dollars (\$200) per day for every day
20 the facility continues to provide services beyond the date
21 specified in the notice.

22 (3) Notice that the case will be referred for civil proceedings
23 pursuant to Section 11834.32 in the event the facility continues to
24 provide services beyond the date specified in the notice.

25 (c) Inform the facility of the licensing requirements of this
26 chapter.

27 *SEC. 22. Section 11834.32 of the Health and Safety Code is*
28 *amended to read:*

29 11834.32. (a) The director may bring an action to enjoin the
30 violation of Section 11834.30 in the superior court in and for the
31 county in which the violation occurred. Any proceeding under
32 this section shall conform to the requirements of Chapter 3
33 (commencing with Section 525) of Title 7 of Part 2 of the Code
34 of Civil Procedure, except that the director shall not be required
35 to allege facts necessary to show or tending to show lack of
36 adequate remedy at law or irreparable damage or loss.

37 (b) With respect to any and all actions brought pursuant to this
38 section alleging actual violation of Section 11834.30, the court
39 shall, if it finds the allegations to be true, issue its order enjoining
40 the alcoholism or drug abuse recovery or treatment facility *or the*

1 *adult recovery maintenance facility* from continuance of the
2 violation.

3 *SEC. 23. Section 11834.36 of the Health and Safety Code is*
4 *amended to read:*

5 11834.36. (a) The director may suspend or revoke any
6 license *or certification* issued under this chapter, or deny an
7 application for licensure *or certification*, for extension of the
8 licensing *or certification* period, or to modify the terms and
9 conditions of a license *or certification*, upon any of the following
10 grounds and in the manner provided in this chapter:

11 (1) Violation by the licensee *or certified provider* of any
12 provision of this chapter or regulations adopted pursuant to this
13 chapter.

14 (2) Repeated violation by the licensee *or certified provider* of
15 any of the provisions of this chapter or regulations adopted
16 pursuant to this chapter.

17 (3) Aiding, abetting, or permitting the violation of, or any
18 repeated violation of, any of the provisions described in
19 paragraph (1) or (2).

20 (4) Conduct in the operation of an alcoholism or drug abuse
21 recovery or treatment facility *or an adult recovery maintenance*
22 *facility* that is inimical to the health, morals, welfare, or safety of
23 either an individual in, or receiving services from, the facility or
24 to the people of the State of California.

25 (5) Misrepresentation of any material fact in obtaining the
26 alcoholism or drug abuse recovery or treatment facility license *or*
27 *the adult recovery maintenance facility license, or*
28 *misrepresentation of any material fact in obtaining certification.*

29 (6) Failure to pay any civil penalties assessed by the
30 department.

31 (b) The director may temporarily suspend any license prior to
32 any hearing when, in the opinion of the director, the action is
33 necessary to protect residents of the alcoholism or drug abuse
34 recovery or treatment facility *or the adult recovery maintenance*
35 *facility* from physical or mental abuse, abandonment, or any
36 other substantial threat to health or safety. The director shall
37 notify the licensee of the temporary suspension and the effective
38 date of the temporary suspension and at the same time shall serve
39 the provider with an accusation. Upon receipt of a notice of
40 defense to the accusation by the licensee, the director shall,

1 within 15 days, set the matter for hearing, and the hearing shall
2 be held as soon as possible. The temporary suspension shall
3 remain in effect until the time the hearing is completed and the
4 director has made a final determination on the merits. However,
5 the temporary suspension shall be deemed vacated if the director
6 fails to make a final determination on the merits within 30 days
7 after the department receives the proposed decision from the
8 Office of Administrative Hearings.

9 *SEC. 24. Section 11834.50 of the Health and Safety Code is*
10 *amended to read:*

11 11834.50. The department shall adopt regulations to
12 implement this chapter in accordance with the purposes required
13 by Section 11835. These regulations shall be adopted only after
14 consultation with appropriate groups affected by the proposed
15 regulations. The regulations shall include, but not be limited to,
16 all of the following:

17 (a) Provision for a formal appeal process for the denial,
18 suspension, or revocation of a license *or certification*.

19 (b) Establishment of requirements for compliance, procedures
20 for issuance of deficiency notices and civil penalties for
21 noncompliance.

22 (c) Provision for the issuance of a waiver for an alcoholism or
23 drug abuse recovery or treatment facility to serve not more than
24 three adolescents, or 10 percent of the total licensed capacity,
25 whichever is less, age 14 years and older, when a need exists and
26 services specific to adolescents are otherwise unavailable. The
27 regulations shall specify the procedures and criteria for granting
28 the waiver. The procedures shall include, but not be limited to,
29 criminal record reviews and fingerprinting.

30 (d) Establishment of the elements and minimum requirements
31 for recovery, treatment, ~~and~~ detoxification, *and recovery*
32 *maintenance* services.

33 (e) Provision for an expedited process for reviewing an
34 application for licensure when a license is terminated pursuant to
35 subdivision (c) of Section 11834.40.

36 ~~SECTION 1. Section 35570 of the Education Code is~~
37 ~~amended to read:~~

38 ~~35570. This article applies only to the reallocation of bonded~~
39 ~~indebtedness of a school district on general obligation bonds~~
40 ~~under one of the following conditions:~~

- 1 ~~(a) The bonded indebtedness was approved by the voters prior~~
2 ~~to July 1, 1978.~~
- 3 ~~(b) The bonded indebtedness was incurred for the acquisition~~
4 ~~or improvement of real property and was approved on or after~~
5 ~~July 1, 1978, by two-thirds of the votes cast by the voters voting~~
6 ~~on the proposition.~~
- 7 ~~(c) The bonded indebtedness was incurred for the acquisition~~
8 ~~or improvement of real property and was approved on or after~~
9 ~~January 1, 2001, by 55 percent of the votes cast by the voters~~
10 ~~voting on the proposition at a regularly scheduled election or a~~
11 ~~statewide special election.~~