

AMENDED IN ASSEMBLY APRIL 26, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2255

**Introduced by Assembly Member Melendez
(Principal coauthor: Assembly Member Brough)
(Coauthor: Assembly Member Harper)
(Coauthor: Senator Bates)**

February 18, 2016

An act to add Section 11834.19 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2255, as amended, Melendez. Drug and alcohol free residences.

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Health Care Services of adult alcoholism and drug abuse recovery and treatment facilities for adults.

This bill would, among other things, define a “drug and alcohol free residence” as a residential property that ~~meets specified requirements and has been~~ *is operated as a cooperative living arrangement to provide an alcohol and drug free environment for persons recovering from alcoholism or drug abuse, or both, who seek a living environment in which to remain clean and sober. The bill would provide that a drug and alcohol free residence may be certified by an organization approved by the State Department of Health Care Services, defined as “an approved certifying agency.”* The bill would provide that a residence

housing persons who purport to be recovering from drug or alcohol abuse would be presumed to be a drug and alcohol free residence if the residence has been certified by an approved certifying organization. The bill would require an approved certifying ~~organization, to organization to~~, among other things, maintain an affiliation with a recognized national organization, approved by the department, establish procedures to administer the application, certification, renewal, and disciplinary processes for a drug and alcohol free residence, and investigate and enforce violations by a residence of the organization’s code of conduct, as provided. The bill would specify the information and documentation that an operator who seeks to have a residence certified is required to submit to an approved certifying organization.

This bill would require the department to maintain and post on its Internet Web site a registry that contains specified information regarding each drug and alcohol free residence that has been certified or has had its certification revoked. The bill would deem the activities of a certified drug and alcohol free residence a residential use of property under specified ~~circumstances, and would limit referral of persons who are required to reside in a sober living environment, as specified, to certified drug and alcohol free residences.~~ *circumstances.*

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

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

- 1 SECTION 1. Section 11834.19 is added to the Health and
- 2 Safety Code, to read:
- 3 11834.19. (a) (1) For purposes of this section, “drug and
- 4 alcohol free residence” means a residential property that ~~has been~~
- 5 ~~certified by an approved certifying agency pursuant to subdivision~~
- 6 ~~(e) and~~ is operated as a cooperative living arrangement to provide
- 7 an alcohol and drug free environment for persons recovering from
- 8 alcoholism or drug abuse, or both, who seek a living environment
- 9 in which to remain clean and ~~sober, and that satisfies all of the~~
- 10 ~~following requirements:~~ *sober.*
- 11 (2) *A drug and alcohol free residence may be certified by an*
- 12 *approved certifying organization pursuant to subdivision (c).*
- 13 (3) *A certified drug and alcohol free residence shall satisfy all*
- 14 *of the following requirements:*

1 (A) Residents, including live-in managers, operators, or owners,
2 are ~~living a sober lifestyle.~~ *drug and alcohol free.*

3 (B) Residents actively participate in legitimate programs of
4 recovery from substance use disorder, including, but not limited
5 to, Alcoholics Anonymous or Narcotics Anonymous programs.

6 (C) Within the drug and alcohol free residence, a resident who
7 has been referred to, and has access to, ongoing outpatient
8 treatment, aftercare, or other recovery maintenance services
9 continues to use these services in accordance with a clinically
10 managed system of care if one exists for the resident.

11 (D) Owners, managers, operators, and residents observe and
12 promote a zero tolerance policy regarding the consumption or
13 possession of alcohol or controlled substances being used in any
14 manner not consistent with a documented prescription.

15 ~~(2)~~

16 (4) A residence that houses persons who purport to be recovering
17 from drug and alcohol abuse shall be presumed to be a drug and
18 alcohol free residence if the residence has been certified by an
19 approved certifying organization.

20 ~~(3)~~

21 (5) If a residence is certified pursuant to this section within 90
22 days of beginning its operations, the activities at that residence
23 shall be deemed a residential use of property and a use of property
24 by a ~~single family.~~ *family, pursuant to Article 2 (commencing with*
25 *Section 11834.20).*

26 (b) For purposes of this section the following definitions apply:

27 (1) "Approved certifying organization" means an organization
28 approved by the department to register a residence as a drug and
29 alcohol free residence pursuant to this section.

30 (2) "Approved national organization" means a recognized
31 national organization, approved by the department, the primary
32 function of which is to improve access to, and the quality of, drug
33 and alcohol recovery residences through standards, education,
34 research, and advocacy.

35 (c) An approved certifying organization shall do all of the
36 following:

37 (1) Maintain an office in the state.

38 (2) Maintain nonprofit status in the state.

39 (3) Be an affiliate of, and continuously maintain affiliation with,
40 an approved national organization.

- 1 (4) Maintain the most current standards published by the
2 approved national organization.
- 3 (5) Document that the organization actively develops and confers
4 professional, residential, or organizational quality designations
5 according to applicable nationally recognized standards.
- 6 (6) Establish drug and alcohol free residence certification
7 requirements.
- 8 (7) Establish procedures to administer the application,
9 certification, renewal, and disciplinary processes for a drug and
10 alcohol free residence.
- 11 (8) Inspect, at least annually, a drug and alcohol free residence
12 to ensure compliance with certification requirements.
- 13 (9) Submit, to the department and the operator of a residence
14 that the organization certifies, a written code of conduct for a drug
15 and alcohol free residence that incorporates national standards for
16 legal and ethical conduct for recovery residences.
- 17 (10) Submit to the department and the operator of a drug and
18 alcohol free residence disciplinary guidelines that include sanctions
19 for first and subsequent violations of the organization’s code of
20 conduct that allows the drug and alcohol free residence notice and
21 opportunity to correct a violation and requires the approved
22 certifying organization to revoke the certification of the residence
23 if the required corrective action is not completed within the
24 specified time period.
- 25 (11) Respond to and investigate suspected violations of the
26 organization’s code of conduct.
- 27 (12) Require an operator who seeks to have a residence certified
28 to submit all of the following documents with the operator’s
29 completed application and fee:
 - 30 (A) Procedures and requirements for verifying that a resident
31 remains drug and alcohol free.
 - 32 (B) A prohibition on the premises against alcohol, illegal drugs,
33 or the use of prescribed medications by an individual except as
34 prescribed by a physician and used in accordance with the
35 prescription.
 - 36 (C) Policies to support a resident’s recovery efforts.
 - 37 (D) A good neighbor policy to address neighborhood concerns
38 and complaints.
 - 39 (E) A policy for informing local government officials and
40 neighbors about the approved certification organization’s complaint

1 procedures, the contact number of the operator of the residence,
2 and a contact number of a minimum of one resident assigned with
3 the responsibility of mitigating a complaint.

4 (F) Rules for a resident, copies of forms provided to a resident,
5 relapse policy, fee and refund policies, and eviction procedures
6 and policies.

7 (G) Proof that the operator of the residence has completed a
8 minimum of 10 hours of alcohol and drug free program
9 management education approved by the approved certifying
10 organization.

11 (H) Proof that a minimum of one resident has received
12 certification approved by the approved certifying organization.
13 Certification shall include, at a minimum, the following subjects:
14 ethics, health and safety topics related to addiction recovery and
15 maintenance, and emergency planning procedures.

16 (13) (A) Review the registry posted on the department's Internet
17 Web site pursuant to subdivision (i) to determine whether the
18 residence that the operator has applied to have certified has had a
19 previous certification revoked or the operator submitting the
20 application for certification has operated a residence for which a
21 previous certification has been revoked.

22 (B) Deny an application for certification if the residence address
23 or operator name in the application is listed on the registry and
24 satisfies the conditions described in subparagraph (A), and send
25 the applicant a written notice of denial of certification.

26 (d) The department shall adopt application procedures and
27 standards of approval for an organization that seeks to be approved
28 by the department as an approved certifying organization.

29 (e) The department shall adopt application procedures and
30 standards of approval for an organization that seeks to be approved
31 by the department as an approved national organization.

32 (f) (1) The department may conduct periodic reviews of an
33 approved certifying organization to determine whether the
34 organization is in compliance with all applicable laws.

35 (2) The department may revoke approval of an approved
36 certifying organization if the organization does any of the
37 following:

38 (A) Ceases to be affiliated with the approved national
39 organization.

1 (B) Fails to perform any of the duties imposed by subdivision
2 (c).

3 (C) Refuses to comply with sanctions imposed by the
4 department.

5 (D) Discontinues certifying drug and alcohol free residences.

6 (g) (1) The department may investigate complaints it receives
7 regarding a drug and alcohol free residence independently or in
8 conjunction with the approved certifying organization.

9 (2) The department may impose sanctions and commence
10 disciplinary actions, including revoking the certification of a
11 residence as a drug and alcohol free residence.

12 (h) A city, county, city and county, or local law enforcement
13 agency that suspects that a drug and alcohol residence is not
14 operating in compliance with the residence’s code of conduct may
15 request the department to revoke the certification of that residence.

16 (i) The department shall maintain and post on its Internet Web
17 site a registry containing all of the following information:

18 (1) The street address and the name and contact telephone
19 number of the operator of each residence that has been certified
20 as a drug and alcohol free residence pursuant to this section.

21 (2) The street address of each residence that has had its
22 certification revoked.

23 (3) The name of each operator of a residence that has had its
24 certification revoked.

25 ~~(j) On and after January 1, 2018, a state agency, state-contracted~~
26 ~~vendor, county agency, or county-contracted vendor that directs~~
27 ~~substance abuse treatment, or a judge or parole board that sets~~
28 ~~terms and conditions for the release, parole, or discharge of a~~
29 ~~person from custody, if it requires a person to reside in a sober~~
30 ~~living environment, shall refer that person only to a residence listed~~
31 ~~as a certified drug and alcohol free residence on the registry posted~~
32 ~~on the department’s Internet Web site.~~