

AMENDED IN SENATE APRIL 7, 2016

AMENDED IN SENATE APRIL 4, 2016

SENATE BILL

No. 1283

Introduced by Senator Bates

(Principal coauthor: Assembly Member Brough)

February 19, 2016

An act to add Chapter 5 (commencing with Section 11759.70) to Part 1 of Division 10.5 of the Health and Safety Code, relating to substance abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 1283, as amended, Bates. Substance abuse: structured sober living homes.

Existing law provides for the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults by the State Department of Health Care Services, as prescribed.

This bill would authorize a city, county, or city and county to enact an ordinance to register structured sober living homes, consistent with specified state and federal law, and with specified exclusions. The bill would define a structured sober living home as any premises, place, or building that provides groups of unrelated adults recovering from drug or alcohol addiction with alcohol-free and drug-free housing, promotes independent living and life skill development, and provides structured activities that are directed primarily toward recovery from substance use disorders in a supervised setting. The bill would specify registration and other requirements applicable to structured sober living homes. A structured sober living home, as defined by and registered pursuant to the bill, would not be subject to existing state licensure and regulation requirements for alcoholism or drug abuse recovery or treatment

facilities. *The bill would provide that it does not establish a new category of state-licensed facility, or otherwise authorize a structured sober living home registered pursuant to an ordinance adopted under the bill to provide any service for which a license is required by state law.*

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

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

1 SECTION 1. Chapter 5 (commencing with Section 11759.70)
 2 is added to Part 1 of Division 10.5 of the Health and Safety Code,
 3 to read:

4
 5 CHAPTER 5. STRUCTURED SOBER LIVING HOMES
 6

7 11759.70. (a) (1) For the purposes of this section, “structured
 8 sober living home” means any premises, place, or building that
 9 provides alcohol-free or drug-free housing, promotes independent
 10 living and life skill development, and provides structured activities
 11 that are directed primarily toward recovery from substance use
 12 disorders in a supervised setting to a group of unrelated adults who
 13 are recovering from drug or alcohol addiction, and who are
 14 receiving outpatient behavioral health services for substance abuse
 15 or addiction treatment while living in the home.

16 (2) “Structured sober living home” does not include a private
 17 residence in which a related family member is required to receive
 18 outpatient behavioral health services for substance abuse or
 19 addiction treatment as a condition of continuing to reside in the
 20 family dwelling.

21 (b) A structured sober living home registered pursuant to ~~this~~
 22 ~~section~~ *an ordinance adopted under this chapter* is not subject to
 23 state licensure and regulation as an alcoholism or drug abuse
 24 recovery or treatment facility. *This chapter does not establish a*
 25 *new category of state-licensed facility, or otherwise authorize a*
 26 *structured sober living home registered pursuant to an ordinance*
 27 *adopted under this chapter to provide any service for which a*
 28 *license is required by state law.*

29 11759.71. (a) In accordance with this section, a city, county,
 30 or city and county may adopt by ordinance health and safety

1 standards and enforcement mechanisms for structured sober living
2 homes that comply with state and federal housing laws and the
3 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
4 12101 et seq.) and amendments thereto. The ordinance shall
5 include, but need not be limited to, all of the following:

6 (1) Mandatory registration requirements for all structured sober
7 living homes, to ensure that the residents are living in a safe
8 environment. The registration requirements, at a minimum, shall
9 include the following:

10 (A) The name and address of the structured sober living home.

11 (B) The following information regarding the property:

12 (i) ~~If the property is owned, the~~ *The property* owner's name,
13 address, and contact telephone number.

14 (ii) If the property is leased, a copy of the lease, that includes a
15 statement that the property will be used as a structured sober living
16 home.

17 (2) In-home supervision requirements for the residents of the
18 structured sober living home during all hours of operation.

19 (3) The establishment and maintenance of an operation plan
20 that facilitates the rehabilitative process, including discharge
21 planning, and that addresses maintenance of the property and noise
22 abatement consistent with local ordinances.

23 (b) A city, county, or city and county that adopts health and
24 safety standards and enforcement mechanisms for structured sober
25 living homes pursuant to subdivision (a) may exclude from
26 regulation any structured sober living home that is subject to
27 adequate oversight by another governmental entity or contractor
28 that meets or exceeds the requirements of this chapter.

29 *11759.72. This chapter shall not be interpreted to require the*
30 *adoption of a structured sober living home ordinance by any city,*
31 *county, or city and county. The authority granted to a city, county,*
32 *or city and county to adopt an ordinance under this chapter shall*
33 *be in addition to any other authority that may be exercised by the*
34 *city, county, or city and county to regulate the use of property*
35 *within its jurisdiction.*