

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN SENATE MAY 6, 2009

SENATE BILL

No. 268

Introduced by Senator Harman

February 24, 2009

An act to amend Section 11834.03 of the Health and Safety Code, relating to alcohol and drug programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 268, as amended, Harman. Alcoholism or drug abuse recovery or treatment facilities: licensing.

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. Under existing law, an applicant for a license is required to submit to the department, among other things, a completed written application and an approved fire clearance.

This bill would require the application to include a certification that the *proposed* facility complies with local zoning ordinances or is a *legal nonconforming use*. It would also require the department to ensure that the license application contains a clear reference to statutory requirements under which a drug abuse recovery or treatment facility that serves 6 or fewer persons ~~shall be~~ *is* considered a residential use of property.

This bill would make an approved fire clearance for a drug abuse recovery or treatment facility serving 7 or more persons valid only for the duration of the 2-year term of the license. This bill would require a drug abuse recovery or treatment facility serving 7 or more persons that applies for license renewal to obtain a new fire clearance, as prescribed.

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 11834.03 of the Health and Safety Code
- 2 is amended to read:
- 3 11834.03. Any person or entity applying for licensure shall
- 4 file with the department, on forms provided by the department, all
- 5 of the following:
- 6 (a) A completed written application for licensure that includes
- 7 a certification by the applicant that the *proposed* facility complies
- 8 with local zoning ordinances or is a legal nonconforming use. The
- 9 department shall ensure that the license application contains a clear
- 10 reference to Section 11834.23 and its requirement that a drug abuse
- 11 recovery or treatment facility that serves six or fewer persons shall
- 12 be considered a residential use of property.
- 13 (b) A fire clearance approved by the State Fire Marshal or local
- 14 fire prevention officer. If a drug abuse recovery or treatment facility
- 15 serves seven or more persons, this clearance shall be valid for the
- 16 two-year licensure term and shall expire at the conclusion of the
- 17 term. Any license renewal by a drug abuse recovery or treatment
- 18 facility serving seven or more persons shall include a fire clearance
- 19 approved by the State Fire Marshal or local fire prevention officer
- 20 based on building codes in place at the time that the facility was
- 21 initially licensed.
- 22 (c) A licensure fee, established in accordance with Chapter 7.3
- 23 (commencing with Section 11833.01).

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