

**ASSEMBLY BILL**

**No. 972**

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**Introduced by Assembly Members Butler and Beall**

February 18, 2011

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An act to amend, repeal, and add Section 11834.02 of the Health and Safety Code, relating to alcoholism or drug abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 972, as introduced, Butler. Substance abuse: treatment facilities.

Existing law provides for the licensure, certification, and regulation of alcoholism or drug use recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

This bill would, until January 1, 2014, revise this definition to also include any premises, place, or building that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team, as specified, to provide medical services within a residential facility that does not require a health facility license, to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

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 11834.02 of the Health and Safety Code  
 2 is amended to read:
- 3 11834.02. (a) As used in this chapter, “alcoholism or drug  
 4 abuse recovery or treatment facility” or “facility” means any  
 5 premises, place, or building that provides 24-hour residential  
 6 nonmedical services to adults who are recovering from problems  
 7 related to alcohol, drug, or alcohol and drug misuse or abuse, and  
 8 who need alcohol, drug, or alcohol and drug recovery treatment  
 9 or detoxification services. *As used in this chapter, “alcoholism or*  
 10 *drug abuse recovery or treatment facility” or “facility” also means*  
 11 *any premises, place, or building that provides a program,*  
 12 *accredited by a nationally recognized accrediting organization,*  
 13 *that uses a multidisciplinary team, including a physician and*  
 14 *surgeon when available, to provide medical services within a*  
 15 *residential facility that does not require a health facility license,*  
 16 *to adults who are recovering from problems related to alcohol,*  
 17 *drug, or alcohol and drug misuse or abuse and who need alcohol,*  
 18 *drug, or alcohol and drug recovery treatment or detoxification*  
 19 *services.*
- 20 (b) As used in this chapter, “adults” ~~may include~~ *includes*, but  
 21 is not limited to, all of the following:
- 22 (1) Mothers over 18 years of age and their children.  
 23 (2) Emancipated minors, which may include, but ~~is~~ *are* not  
 24 limited to, mothers under 18 years of age and their children.
- 25 (c) As used in this chapter, “emancipated minors” means persons  
 26 under 18 years of age who have acquired emancipation status  
 27 pursuant to Section 7002 of the Family Code.
- 28 (d) Notwithstanding subdivision (a), an alcoholism or drug  
 29 abuse recovery or treatment facility may serve adolescents upon  
 30 the issuance of a waiver granted by the department pursuant to  
 31 regulations adopted under subdivision (c) of Section 11834.50.
- 32 (e) *Nothing contained in this section shall be construed to permit*  
 33 *the state or a local governmental entity to require the provision*  
 34 *of medical services onsite as a condition of licensure, funding, or*  
 35 *other regulatory supervision.*
- 36 (f) *This section shall remain in effect only until January 1,*  
 37 *2014, and as of that date is repealed, unless a later enacted statute,*

1 *that is enacted before January 1, 2014, deletes or extends that*  
2 *date.*

3 SEC. 2. Section 11834.02 is added to the Health and Safety  
4 Code, to read:

5 11834.02. (a) As used in this chapter, “alcoholism or drug  
6 abuse recovery or treatment facility” or “facility” means a premises,  
7 place, or building that provides 24-hour residential nonmedical  
8 services to adults who are recovering from problems related to  
9 alcohol, drug, or alcohol and drug misuse or abuse, and who need  
10 alcohol, drug, or alcohol and drug recovery treatment or  
11 detoxification services.

12 (b) As used in this chapter, “adults” includes, but is not limited  
13 to, all of the following:

14 (1) Mothers over 18 years of age and their children.

15 (2) Emancipated minors, which may include, but are not limited  
16 to, mothers under 18 years of age and their children.

17 (c) As used in this chapter, “emancipated minors” means persons  
18 under 18 years of age who have acquired emancipation status  
19 pursuant to Section 7002 of the Family Code.

20 (d) Notwithstanding subdivision (a), an alcoholism or drug  
21 abuse recovery or treatment facility may serve adolescents upon  
22 the issuance of a waiver granted by the department pursuant to  
23 regulations adopted under subdivision (c) of Section 11834.50.

24 (e) This section shall become operative on January 1, 2014.