

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1361
(Reference to Senate engrossed bill)

1 Page 2, line 32, after "title" insert ": civil penalties"

2 Page 3, line 9, strike the second "OR" insert a comma; after "ISSUED" insert "OR
3 THE SOBER LIVING HOME CEASES OPERATIONS"

4 Page 4, line 10, after the period strike remainder of line

5 Strike lines 11 through 21, insert "THE SOBER LIVING HOME SHALL OBTAIN AND
6 MAINTAIN CURRENT DOCUMENTATION FROM THE LOCAL JURISDICTION VERIFYING
7 COMPLIANCE WITH ALL LOCAL ZONING, BUILDING, FIRE AND LICENSING ORDINANCES
8 AND RULES AND SHALL PROVIDE THE DOCUMENTATION TO THE DEPARTMENT ON REQUEST
9 AND IN THE APPLICATION FOR A LICENSE, A LICENSE RENEWAL OR ANY PROPOSED
10 CHANGE IN THE MAXIMUM NUMBER OF RESIDENTS OR ANY CONSTRUCTION OR
11 MODIFICATION OF THE SOBER LIVING HOME. THE DEPARTMENT SHALL IDENTIFY ON
12 EACH LICENSE THE MAXIMUM NUMBER OF RESIDENTS WHO ARE ALLOWED TO LIVE IN THE
13 SOBER LIVING HOME, INCLUDING ANY MANAGER OR OTHER STAFF LIVING ON THE
14 PREMISES."

15 Between lines 38 and 39, insert:

16 "F. ANY BUSINESS OR ENTITY THAT REPRESENTS OR ADVERTISES ITSELF AS
17 SUPPORTING DRUG OR ALCOHOL RECOVERY AND THAT IS NOT LICENSED PURSUANT TO
18 THIS ARTICLE OR CHAPTER 4 OF THIS TITLE SHALL DISCLOSE IN ALL
19 ADVERTISEMENTS, BUSINESS DOCUMENTS, DIGITAL MEDIA AND PUBLICITY MATERIALS
20 THAT THE BUSINESS OR ENTITY IS UNLICENSED. THE DEPARTMENT SHALL ESTABLISH
21 A COMPLAINT PROCESS FOR ENFORCING THIS SUBSECTION. THE DIRECTOR MAY ASSESS
22 CIVIL PENALTIES AS PRESCRIBED IN SECTION 36-431.01 OR 36-2063, AS
23 APPLICABLE, FOR A VIOLATION OF THIS SUBSECTION.

1 G. IF A LICENSED HEALTH CARE INSTITUTION IS AFFILIATED WITH AN
2 UNLICENSED SOBER LIVING HOME OR OTHER FACILITY, BUILDING OR STRUCTURE FOUND
3 TO BE ENGAGING IN FRAUDULENT, ABUSIVE OR MISLEADING PRACTICES, THE HEALTH
4 CARE INSTITUTION IS SUBJECT TO CIVIL PENALTIES PURSUANT TO SECTION
5 36-431.01 UP TO AND INCLUDING LICENSE SUSPENSION OR REVOCATION.

6 H. EACH DAY A VIOLATION OCCURS UNDER THIS SECTION CONSTITUTES A
7 SEPARATE VIOLATION."

8 Page 5, line 2, strike ", SUBSECTIONS A AND E"

9 Line 3, after the period insert "THE DIRECTOR MAY TEMPORARILY REQUIRE
10 SUBSTANTIAL COMPLIANCE IF THE SOBER LIVING HOME IS REQUIRED TO RESOLVE A
11 VIOLATION THROUGH A PLAN OF CORRECTION, BUT ONLY IF THE VIOLATION IS OF A
12 TECHNICAL REQUIREMENT IN THE RULES ADOPTED PURSUANT TO THIS ARTICLE, THE
13 SOBER LIVING HOME CONFORMS WITH GENERALLY ACCEPTED INDUSTRY STANDARDS AND
14 THE VIOLATION DOES NOT ENDANGER THE HEALTH, SAFETY OR WELFARE OF THE
15 RESIDENTS OF THE SOBER LIVING HOME OR THE GENERAL PUBLIC."

16 Line 27, strike "OR LICENSE RENEWAL"

17 Line 37, strike the comma insert "AND"

18 Line 38, strike "AND STANDARDS AND LOCAL FIRE ORDINANCES OR RULES"

19 Line 40, strike "APPROVING" insert "ISSUING"; strike "A LICENSE RENEWAL,"
20 insert "APPROVING"

21 Page 6, line 2, strike "PROMPTLY"

22 Line 6, strike "WITHIN THIRTY CALENDAR DAYS"

23 Line 8, after "DEPARTMENT" insert "OR ITS THIRD-PARTY CONTRACTOR"

24 Line 9, after "COMPLAINT" insert "AND SHALL CONDUCT A PHYSICAL, ON-SITE
25 INSPECTION IF REQUESTED BY LOCAL LAW ENFORCEMENT OR IF THE DIRECTOR
26 DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THE SOBER LIVING HOME
27 IS NOT ADHERING TO THE REQUIREMENTS OF THIS ARTICLE"; after the period
28 strike remainder of line

29 Strike lines 10 through 15

30 Line 18, after "DIRECTOR" strike remainder of line insert ":

31 1. EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, SHALL
32 IMPOSE THE FOLLOWING PENALTIES:"

1 Page 6, line 19, strike "1." insert "(a)"

2 Line 29, strike "2." insert "(b)"

3 Line 30, after "BOTH" insert a period strike remainder of line

4 Strike lines 31 and 32, insert:

5 "2. MAY REQUIRE A PERSON TO RESOLVE A VIOLATION THROUGH A PLAN OF
6 CORRECTION INSTEAD OF IMPOSING THE PENALTIES AND SANCTIONS PRESCRIBED IN
7 PARAGRAPH 1, SUBDIVISIONS (a) AND (b) OF THIS SUBSECTION, BUT ONLY IF THE
8 VIOLATION IS OF A TECHNICAL REQUIREMENT IN THE RULES ADOPTED PURSUANT TO
9 THIS ARTICLE, THE SOBER LIVING HOME CONFORMS WITH GENERALLY ACCEPTED
10 INDUSTRY STANDARDS AND THE VIOLATION DOES NOT ENDANGER THE HEALTH, SAFETY
11 OR WELFARE OF THE RESIDENTS OF THE SOBER LIVING HOME OR THE GENERAL
12 PUBLIC."

13 Page 7, strike lines 41 through 45

14 Page 8, strike lines 1 through 5, insert:

15 "K. IF A POLITICAL SUBDIVISION OF THIS STATE REQUESTS AN UPDATE FROM
16 THE DEPARTMENT ON THE STATUS OF INVESTIGATING A COMPLAINT FILED BY THE
17 POLITICAL SUBDIVISION RELATING TO A SOBER LIVING HOME, THE DEPARTMENT SHALL
18 NOTIFY THE POLITICAL SUBDIVISION OF THE STATUS WITHIN FIVE BUSINESS DAYS
19 AFTER THE REQUEST. IF REQUESTED BY THE POLITICAL SUBDIVISION, THE
20 DEPARTMENT SHALL PROVIDE TO THE POLITICAL SUBDIVISION THE FINDINGS OF ITS
21 INVESTIGATION, INCLUDING COPIES OF INVESTIGATIVE REPORTS WITHOUT PERSONAL
22 IDENTIFYING INFORMATION OF THE SOBER LIVING HOME RESIDENTS."

23 Page 9, strike lines 7 through 12, insert:

24 "C. IF A LOCAL JURISDICTION PROVIDES CONTACT INFORMATION FOR
25 NOTIFICATIONS RELATING TO SOBER LIVING HOMES TO THE DEPARTMENT, THE
26 DEPARTMENT SHALL NOTIFY THE LOCAL JURISDICTION OF ALL APPROVALS AND DENIALS
27 FOR LICENSURE AND RENEWAL AND ALL REQUESTS FOR CHANGES AFFECTING A SOBER
28 LIVING HOME LICENSE ISSUED PURSUANT TO THIS ARTICLE IN THAT JURISDICTION
29 WITHIN THIRTY CALENDAR DAYS AFTER THE APPROVAL OR DENIAL. THE DEPARTMENT
30 IS NOT OBLIGATED TO PROVIDE THE NOTIFICATIONS UNDER THIS SUBSECTION TO
31 LOCAL JURISDICTIONS THAT DO NOT PROVIDE THEIR CONTACT INFORMATION TO THE
32 DEPARTMENT."

House Amendments to S.B. 1361

- 1 Page 9, strike lines 28 through 30
- 2 Renumber to conform
- 3 Page 10, strike lines 1 through 3
- 4 Renumber to conform
- 5 Amend title to conform

MATT GRESS

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