

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2317

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-2061, Arizona Revised Statutes, is amended to  
3 read:

4 36-2061. Definitions

5 In this article, unless the context otherwise requires:

6 ~~1. "Certifying organization" means an organization that certifies~~  
7 ~~homes as sober living homes and is affiliated with a national organization~~  
8 ~~recognized by the department whose primary function is to improve access to~~  
9 ~~and the quality of sober living residences through standards, education,~~  
10 ~~research and advocacy.~~

11 1. "LICENSE" MEANS A LICENSE ISSUED BY THE DIRECTOR PURSUANT TO THIS  
12 ARTICLE.

13 2. "Medication-assisted treatment" means the use of pharmacological  
14 medications that are approved by the United States food and drug  
15 administration, in combination with counseling and behavioral therapies, to  
16 provide a whole patient approach to ~~the treatment of~~ TREATING substance use  
17 disorders.

18 3. "Sober living home" means ~~any premises, place or building that~~  
19 ~~provides alcohol-free or drug-free housing and that:~~

20 ~~(a) Promotes independent living and life skills development.~~

21 ~~(b) May provide activities that are directed primarily toward~~  
22 ~~recovery from substance use disorders.~~

1           ~~(c) Provides a supervised setting to a group of unrelated~~  
2 ~~individuals who are recovering from substance use disorders.~~

3           ~~(d) Does not provide any medical or clinical services or medication~~  
4 ~~administration on-site, except for verification of abstinence.~~ ANY  
5 PREMISES, PLACE OR DWELLING UNIT THAT IS USED FOR INDIVIDUALS RECOVERING  
6 FROM ALCOHOL OR DRUG ADDICTION AND THAT PROVIDES AN ALCOHOL-FREE AND  
7 DRUG-FREE LIVING ENVIRONMENT, PEER SUPPORT, ASSISTANCE WITH OBTAINING DRUG  
8 ADDICTION SERVICES AND OTHER DRUG ADDICTION ASSISTANCE.

9           Sec. 2. Section 36-2062, Arizona Revised Statutes, is amended to  
10 read:

11           36-2062. Licensure required; standards; verification by local  
12 jurisdiction; use of title

13           A. The director shall adopt rules to establish minimum standards and  
14 requirements for the licensure of sober living homes in this state  
15 necessary to ensure the public health, safety and welfare. The director  
16 may use the current standards adopted by any recognized national  
17 organization approved by the department as guidelines in prescribing the  
18 minimum standards and requirements under this subsection. The standards  
19 shall include:

20           1. A requirement that each sober living home ~~to~~ develop policies and  
21 procedures to allow individuals who are on medication-assisted treatment to  
22 continue to receive this treatment while living in the sober living home.

23           2. Consistent and fair practices for drug and alcohol testing,  
24 including frequency, that promote the residents' recovery.

25           3. Policies and procedures for the ~~residence~~ SOBER LIVING HOME to  
26 maintain an environment that promotes the safety of the surrounding  
27 neighborhood and the community at large.

28           4. Policies and procedures for discharge planning of persons living  
29 in the ~~residence~~ SOBER LIVING HOME that do not negatively impact the  
30 surrounding community, INCLUDING POLICIES AND PROCEDURES TO IMPLEMENT IF A  
31 LICENSE IS SUSPENDED OR REVOKED OR A CEASE AND DESIST NOTICE IS ISSUED.

1           5. A good neighbor policy to address neighborhood concerns and  
2 complaints.

3           6. A requirement that the operator of each sober living home have  
4 available for emergency personnel an up-to-date list of current medications  
5 and medical conditions of each person living in the SOBER LIVING home.

6           7. A policy that ensures residents are informed of all sober living  
7 home rules, residency requirements and resident agreements.

8           8. Policies and procedures for ~~the management of~~ MANAGING all monies  
9 received and spent by the sober living home in accordance with standard  
10 accounting practices, including monies received from residents of the sober  
11 living home.

12           9. A requirement that each sober living home post a statement of  
13 resident rights that includes the right to file a complaint about the  
14 ~~residence~~ SOBER LIVING HOME or provider and information about how to file a  
15 complaint.

16           10. Policies that promote recovery by requiring residents to  
17 participate in treatment, self-help groups or other recovery supports.

18           11. Policies requiring abstinence from alcohol and illicit drugs.

19           12. Procedures regarding the appropriate use and security of  
20 medication by a resident.

21           13. Policies regarding the maintenance of sober living homes,  
22 including the installation of functioning smoke detectors, carbon monoxide  
23 detectors and fire extinguishers and compliance with local fire codes AND  
24 RULES applicable to comparable dwellings occupied by single families.

25           14. Policies and procedures that prohibit a sober living home owner,  
26 employee or administrator from requiring a resident to sign any document  
27 for the purpose of relinquishing the resident's public assistance benefits,  
28 including medical assistance benefits, cash assistance and supplemental  
29 nutrition assistance program benefits.

30           15. Policies and procedures for managing complaints about sober  
31 living homes.

1           16. Requirements for ~~the notification of~~ NOTIFYING a family member  
2 or other emergency contact designated by a resident under certain  
3 circumstances, including death due to an overdose.

4           B. The licensure of a sober living home under this article is for  
5 one year. ~~A person operating a sober living home in this state that has~~  
6 ~~failed to attain or maintain licensure of the sober living home shall pay a~~  
7 ~~civil penalty of up to one thousand dollars for each violation.~~

8           C. To receive and maintain licensure, a sober living home must  
9 comply with all federal, state and local laws, including the Americans with  
10 disabilities act of 1990. THE DEPARTMENT SHALL OBTAIN DOCUMENTATION FROM  
11 THE LOCAL JURISDICTION VERIFYING COMPLIANCE WITH ALL LOCAL ZONING,  
12 BUILDING, FIRE AND LICENSING ORDINANCES AND RULES BEFORE APPROVING A  
13 LICENSE OR LICENSE RENEWAL, ANY PROPOSED CHANGE IN THE MAXIMUM NUMBER OF  
14 RESIDENTS OR ANY CONSTRUCTION OR MODIFICATION OF THE SOBER LIVING  
15 HOME. THE DEPARTMENT SHALL IDENTIFY ON EACH LICENSE THE MAXIMUM NUMBER OF  
16 UNRELATED RESIDENTS WHO ARE ALLOWED TO LIVE IN THE SOBER LIVING HOME,  
17 INCLUDING ANY MANAGER OR OTHER STAFF LIVING ON THE PREMISES.

18           D. A treatment facility that is licensed by the department ~~for the~~  
19 ~~treatment of~~ TO TREAT substance use disorders and that has one or more  
20 sober living homes on the same campus as the facility's program shall  
21 obtain licensure for each sober living home pursuant to this article.

22           E. ~~Once the director adopts the minimum standards as required in~~  
23 ~~subsection A of this section,~~ A person ~~may~~ SHALL not establish, conduct or  
24 maintain in this state a sober living home unless that person holds a  
25 current and valid license issued by the department ~~or is certified as~~  
26 ~~prescribed in section 36-2064.~~ The license is valid only for the  
27 establishment, operation and maintenance of the sober living home. The  
28 licensee ~~may~~ SHALL not:

29           1. ~~Imply by advertising,~~ OR directory listing or otherwise IMPLY  
30 that the licensee is authorized to perform services more specialized or of  
31 a higher degree of care than is authorized by this article and the  
32 ~~underlying~~ ADOPTED rules for sober living homes.

1           2. Transfer or assign the license. A license is valid only for the  
2 premises occupied by the sober living home at the time of its issuance.

3           Sec. 3. Title 36, chapter 18, article 4, Arizona Revised Statutes,  
4 is amended by adding section 36-2062.01, to read:

5           36-2062.01. Legislative findings and intent; strict compliance

6           THE LEGISLATURE RECOGNIZES THE NEED TO PROTECT THE PUBLIC FROM  
7 UNSCRUPULOUS OPERATORS OF SOBER LIVING HOMES AND THEREFORE FINDS AND  
8 DETERMINES THAT STRICT COMPLIANCE WITH AND ENFORCEMENT OF THE REQUIREMENTS  
9 OF THIS ARTICLE IS NECESSARY AND REQUIRED TO ENSURE THE PUBLIC HEALTH,  
10 SAFETY AND WELFARE.

11           Sec. 4. Section 36-2063, Arizona Revised Statutes, is amended to  
12 read:

13           36-2063. Fees; licensure and renewal; inspections; complaints;  
14           investigations; penalties and sanctions; violation;  
15           classification; third-party contractors

16           A. The department shall establish fees for initial licensure and  
17 license renewal OF A SOBER LIVING HOME and a fee for the late payment of  
18 licensing fees that includes a grace period. The department shall deposit,  
19 pursuant to sections 35-146 and 35-147, ninety percent of the fees  
20 collected pursuant to this section in the health services licensing fund  
21 established by section 36-414 and ten percent of the fees collected  
22 pursuant to this section in the state general fund.

23           B. On a determination by the director that there is reasonable cause  
24 to believe a sober living home is not adhering to the ~~licensing~~  
25 requirements of this article OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE,  
26 the director and any duly designated employee or agent of the director may  
27 enter on and into the premises of any sober living home that is licensed or  
28 required to be licensed pursuant to this article at any reasonable time for  
29 the purpose of determining the state of compliance with this article, the  
30 rules adopted pursuant to this article and local fire ordinances or rules.  
31 Any application for licensure under this article constitutes permission for  
32 and complete acquiescence in any entry or inspection of the premises during

1 the pendency of the LICENSE application and, if licensed, during the term  
2 of the license. ~~If an inspection reveals that the sober living home is not~~  
3 ~~adhering to the licensing requirements established pursuant to this~~  
4 ~~article, the director may take action authorized by this article. Any~~  
5 ~~sober living home whose license has been suspended or revoked in accordance~~  
6 ~~with this article is subject to inspection on application for relicensure~~  
7 ~~or reinstatement of license.~~

8 ~~C. The director may~~

9 C. THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR SHALL CONDUCT A  
10 PHYSICAL, ON-SITE INSPECTION OF A SOBER LIVING HOME TO VERIFY COMPLIANCE  
11 WITH THE REQUIREMENTS OF THIS ARTICLE, THE RULES ADOPTED PURSUANT TO THIS  
12 ARTICLE AND STANDARDS AND LOCAL FIRE ORDINANCES OR RULES AT THE FOLLOWING  
13 TIMES:

14 1. BEFORE APPROVING A LICENSE OR A LICENSE RENEWAL, ANY PROPOSED  
15 CHANGE IN THE MAXIMUM NUMBER OF RESIDENTS OR ANY CONSTRUCTION OR  
16 MODIFICATION OF A SOBER LIVING HOME. APPLICANTS ARE NOT ALLOWED TO  
17 SELF-ATTEST TO COMPLIANCE IN LIEU OF THIS INSPECTION.

18 2. AT LEAST ANNUALLY FOR EACH SOBER LIVING HOME.

19 3. PROMPTLY ON A DETERMINATION BY THE DIRECTOR THAT THERE IS  
20 REASONABLE CAUSE TO BELIEVE THAT A SOBER LIVING HOME IS NOT ADHERING TO THE  
21 REQUIREMENTS OF THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE.

22 D. WITHIN THIRTY CALENDAR DAYS AFTER RECEIVING A COMPLAINT THAT  
23 IDENTIFIES AN ALLEGED VIOLATION OF THIS ARTICLE OR THE RULES ADOPTED  
24 PURSUANT TO THIS ARTICLE, THE DEPARTMENT SHALL COMPLETE AN INVESTIGATION OF  
25 THE SOBER LIVING HOME THAT IS THE SUBJECT OF THE COMPLAINT. IF, THROUGH  
26 THE INVESTIGATION, THE DIRECTOR DETERMINES THAT THERE IS REASONABLE CAUSE  
27 TO BELIEVE THE SOBER LIVING HOME IS NOT ADHERING TO THE REQUIREMENTS OF  
28 THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE, THE DEPARTMENT  
29 OR ITS THIRD-PARTY CONTRACTOR SHALL CONDUCT A PHYSICAL, ON-SITE INSPECTION  
30 OF THE SOBER LIVING HOME PURSUANT TO SUBSECTION C, PARAGRAPH 3 OF THIS  
31 SECTION.

1 E. IF AN INVESTIGATION OR INSPECTION REVEALS THAT A PERSON HAS  
2 VIOLATED THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO THIS ARTICLE, THE  
3 DIRECTOR SHALL DO BOTH OF THE FOLLOWING:

4 1. Impose a civil penalty ~~on a person that violates this article or~~  
5 ~~the rules adopted pursuant to this article in an amount~~ of not more than  
6 ~~five hundred dollars~~ \$1,000 for each violation. Each day that a violation  
7 occurs constitutes a separate violation. The director may issue a notice  
8 that includes the proposed amount of the civil penalty assessment. If a  
9 person requests a hearing to appeal an assessment, the director ~~may~~ SHALL  
10 not take further action to enforce and collect the assessment until the  
11 hearing process is complete. The director shall impose a civil penalty  
12 only for those days for which the violation has been documented by the  
13 department.

14 2. DENY THE APPLICATION OR REQUEST FOR A CHANGE AFFECTING A LICENSE,  
15 OR BOTH.

16 ~~D. The department may impose sanctions and commence disciplinary~~  
17 ~~actions against a licensed sober living home, including revoking the~~  
18 ~~license.~~

19 F. IN ADDITION TO THE PENALTIES AND SANCTIONS PRESCRIBED IN  
20 SUBSECTION E OF THIS SECTION, IF AN INVESTIGATION OR INSPECTION REVEALS  
21 THAT A PERSON HAS VIOLATED THIS ARTICLE OR THE RULES ADOPTED PURSUANT TO  
22 THIS ARTICLE, THE DIRECTOR MAY DO EITHER OF THE FOLLOWING:

23 1. SUSPEND OR REVOKE THE LICENSE. A license ~~may~~ SHALL not be  
24 suspended or revoked under this article without affording the licensee  
25 notice and an opportunity for a hearing as provided in title 41, chapter 6,  
26 article 10.

27 2. PROMPTLY SERVE ON THAT PERSON, EITHER BY PERSONAL SERVICE OR BY  
28 CERTIFIED MAIL, A NOTICE REQUIRING THE PERSON, ON RECEIPT OF THE NOTICE, TO  
29 CEASE AND DESIST FROM OPERATING THE SOBER LIVING HOME WITHIN TEN DAYS AFTER  
30 RECEIVING THE NOTICE. THE NOTICE SHALL STATE THAT THE PERSON MAY MAKE A  
31 WRITTEN REQUEST FOR A HEARING BEFORE THE DIRECTOR OR THE DIRECTOR'S  
32 DESIGNEE PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10. IF THE PERSON FAILS

1 TO CEASE OPERATION, THE DEPARTMENT MAY REQUEST THAT THE COUNTY ATTORNEY OF  
2 THE COUNTY IN WHICH THE SOBER LIVING HOME IS LOCATED ENFORCE THIS  
3 ARTICLE. THE DEPARTMENT MAY ALSO NOTIFY THE ATTORNEY GENERAL, WHO SHALL  
4 IMMEDIATELY SEEK A RESTRAINING ORDER AND AN INJUNCTION AGAINST THE SOBER  
5 LIVING HOME. A PERSON WHO CONTINUES TO OPERATE A SOBER LIVING HOME WITHOUT  
6 A LICENSE TEN DAYS AFTER RECEIVING A NOTICE PURSUANT TO THIS SECTION IS  
7 GUILTY OF A CLASS 1 MISDEMEANOR.

8 G. IN ADDITION TO THE PENALTIES AND SANCTIONS PRESCRIBED IN  
9 SUBSECTION E OF THIS SECTION, ON A DETERMINATION BY THE DIRECTOR THAT THERE  
10 IS REASONABLE CAUSE TO BELIEVE A PERSON IS OPERATING A SOBER LIVING HOME  
11 WITHOUT A LICENSE, THE DIRECTOR SHALL SERVE A CEASE AND DESIST NOTICE  
12 PURSUANT TO SUBSECTION F, PARAGRAPH 2 OF THIS SECTION. A PERSON SUBJECT TO  
13 A CEASE AND DESIST ORDER PURSUANT TO THIS SUBSECTION SHALL PROVIDE CLEAR  
14 AND CONVINCING EVIDENCE TO THE DIRECTOR THAT THE PREMISES, PLACE OR  
15 DWELLING UNIT WAS NOT INTENDED PRIMARILY FOR HOUSING INDIVIDUALS RECOVERING  
16 FROM OR RECEIVING TREATMENT FOR ANY DISABILITY OR DISORDER RELATED TO  
17 ALCOHOL, DRUG OR SUBSTANCE USE.

18 H. WITHIN TEN CALENDAR DAYS AFTER RECEIVING A COMPLAINT FROM A  
19 POLITICAL SUBDIVISION OF THIS STATE, THE DEPARTMENT SHALL NOTIFY THE  
20 POLITICAL SUBDIVISION OF THE STATUS OF THE COMPLAINT. WITHIN TEN CALENDAR  
21 DAYS AFTER THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR COMPLETES AN  
22 INVESTIGATION OR INSPECTION, THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR  
23 SHALL PROVIDE TO THE POLITICAL SUBDIVISION OF THIS STATE THE FINDINGS OF  
24 ITS INVESTIGATION OR INSPECTION, INCLUDING COPIES OF INVESTIGATIVE REPORTS  
25 WITHOUT PERSONAL IDENTIFYING INFORMATION OF THE SOBER LIVING HOME  
26 RESIDENTS, ALL PENALTIES AND SANCTIONS IMPOSED AND ENFORCEMENT ACTIONS  
27 TAKEN.

28 ~~E.~~ I. The department may contract with a third party to assist the  
29 department with licensure, INVESTIGATIONS and inspections, EXCEPT THAT THE  
30 DEPARTMENT SHALL NOT CONTRACT WITH ANY OWNER, OPERATOR, ADMINISTRATOR OR  
31 ASSOCIATION OF SOBER LIVING HOMES. THIRD-PARTY CONTRACTORS SHALL BE PAID  
32 FROM THE HEALTH SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414.





1 DEPARTMENT, ON REQUEST, SHALL DISCLOSE THE ADDRESS OF THE SOBER LIVING HOME  
2 to:

- 3 1. A local jurisdiction for zoning purposes. ~~;~~
- 4 2. Local law enforcement. ~~and~~
- 5 3. Emergency personnel.
- 6 4. A THIRD-PARTY CONTRACTOR OF THE DEPARTMENT.

7 B. A sober living home's address is not a public record and is not  
8 subject to title 39, chapter 1, article 2.

9 C. THE DEPARTMENT SHALL NOTIFY A LOCAL JURISDICTION OF ALL  
10 APPLICATIONS FOR LICENSURE AND RENEWAL AND ALL REQUESTS FOR CHANGES  
11 AFFECTING A SOBER LIVING HOME LICENSE ISSUED PURSUANT TO THIS ARTICLE IN  
12 THAT JURISDICTION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE APPLICATION  
13 FOR LICENSURE OR RENEWAL OR REQUEST FOR CHANGES.

14 Sec. 8. Section 36-2067, Arizona Revised Statutes, is amended to  
15 read:

16 36-2067. Department; annual reports

17 A. ~~Beginning~~ ON OR BEFORE January 2, ~~2020~~ and OF each ~~January 2~~  
18 ~~thereafter~~ YEAR, the department shall submit to the senate health and human  
19 services committee and the house of representatives health committee, or  
20 their successor committees, a report on licensed sober living homes in this  
21 state that includes:

22 1. The number of licensed sober living homes in each city, town and  
23 county.

24 2. The number of sober living homes that are licensed each year.

25 3. The number of complaints against licensed sober living homes ~~that~~  
26 RECEIVED BY the department ~~investigates annually~~ EACH YEAR.

27 4. THE NUMBER OF COMPLAINTS AGAINST LICENSED SOBER LIVING HOMES  
28 INVESTIGATED BY THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR EACH YEAR.

29 5. THE NUMBER OF COMPLAINTS AGAINST LICENSED SOBER LIVING HOMES THAT  
30 RESULTED IN INSPECTIONS BY THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR  
31 EACH YEAR.

1           ~~4.~~ 6. The number of enforcement actions ~~the department takes~~  
2 against licensed sober living homes ~~annually~~ TAKEN BY THE DEPARTMENT EACH  
3 YEAR.

4           B. ON OR BEFORE JANUARY 2 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT  
5 TO THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE OF  
6 REPRESENTATIVES HEALTH COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, A REPORT  
7 ON SOBER LIVING HOMES IN THIS STATE THAT ARE NOT LICENSED BUT ARE REQUIRED  
8 TO BE LICENSED THAT INCLUDES:

9           1. THE NUMBER OF COMPLAINTS AGAINST SOBER LIVING HOMES THAT ARE NOT  
10 LICENSED BUT ARE REQUIRED TO BE LICENSED RECEIVED BY THE DEPARTMENT EACH  
11 YEAR.

12           2. THE NUMBER OF COMPLAINTS AGAINST SOBER LIVING HOMES THAT ARE NOT  
13 LICENSED BUT ARE REQUIRED TO BE LICENSED INVESTIGATED BY THE DEPARTMENT OR  
14 ITS THIRD-PARTY CONTRACTOR EACH YEAR.

15           3. THE NUMBER OF COMPLAINTS AGAINST SOBER LIVING HOMES THAT ARE NOT  
16 LICENSED BUT ARE REQUIRED TO BE LICENSED THAT RESULTED IN INSPECTIONS BY  
17 THE DEPARTMENT OR ITS THIRD-PARTY CONTRACTOR EACH YEAR.

18           4. THE NUMBER OF ENFORCEMENT ACTIONS AGAINST SOBER LIVING HOMES THAT  
19 ARE NOT LICENSED BUT ARE REQUIRED TO BE LICENSED TAKEN BY THE DEPARTMENT  
20 EACH YEAR.

21           ~~B.~~ C. The department shall provide a copy of the ~~report~~ REPORTS  
22 submitted pursuant to ~~subsection~~ SUBSECTIONS A AND B of this section to the  
23 secretary of state."

24 Amend title to conform

MATT GRESS

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C: MH