

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 446 Session of 2017

INTRODUCED BY McGARRIGLE, YAW, SCARNATI, RESCHENTHALER, MARTIN, TOMLINSON, TARTAGLIONE, FOLMER, KILLION, WARD, VULAKOVICH, BARTOLOTTA, BROWNE, BREWSTER AND WAGNER, MARCH 2, 2017

SENATOR McGARRIGLE, URBAN AFFAIRS AND HOUSING, AS AMENDED, JUNE 5, 2017

AN ACT

1 Amending Title 68 (Real and Personal Property) of the
2 Pennsylvania Consolidated Statutes, providing for drug and
3 alcohol recovery houses and establishing the Drug and Alcohol
4 Recovery House Fund.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 68 of the Pennsylvania Consolidated
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 57

10 DRUG AND ALCOHOL RECOVERY HOUSES

11 Sec.

12 5701. Definitions.

13 5702. Powers and duties of department.

14 5703. Regulations for LICENSURE OR certification of drug and

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15 alcohol recovery houses.

16 5704. Funding.

17 5705. Licensure or certification.

18 5706. Registry.

1 5707. Violations.

2 5708. Restricted account.

3 5709. Compliance with other laws.

4 § 5701. Definitions.

5 The following words and phrases when used in this chapter  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Department." The Department of Drug and Alcohol Programs of  
9 the Commonwealth.

10 "Drug and alcohol recovery house." Housing for individuals  
11 recovering from drug or alcohol addiction, which provides those  
12 individuals with a safe and supportive drug and alcohol-free  
13 environment, peer support and other recovery support services  
14 that may include coordination of treatment services.

15 § 5702. Powers and duties of department.

16 The department shall LICENSE OR certify drug and alcohol <--  
17 recovery houses directly or through a contracted entity, as  
18 defined by department guidelines, which shall adhere to National  
19 Alliance for Recovery Residences standards with modifications  
20 deemed necessary by the department. All referrals from State  
21 agencies or State-funded facilities shall be to licensed or  
22 certified drug and alcohol recovery houses, and only licensed or  
23 certified recovery houses may be eligible to receive Federal or  
24 State funding to deliver drug and alcohol recovery housing  
25 services.

26 § 5703. Regulations for LICENSURE OR certification of drug and <--  
27 alcohol recovery houses.

28 (a) Regulations.--The department may promulgate regulations  
29 for the licensure or certification of drug and alcohol recovery  
30 houses that receive funds or referrals from the department, or a <--

1 Federal, State or other county agency, to ensure that the drug  
2 and alcohol recovery houses provide a safe environment for  
3 residents. The regulations may include, but not be limited to,  
4 the following:

5 (1) Upon admission, ensuring that residents are informed  
6 of all drug and alcohol recovery house rules, residency  
7 requirements and lease agreements.

8 (2) Policies and procedures for management of all funds  
9 received and expended by the drug and alcohol recovery house  
10 in accordance with standard accounting practices, including  
11 funds received from or managed on behalf of residents of the  
12 house.

13 (3) Policies and procedures addressing the safety and  
14 protection of residents.

15 (4) Policies that promote recovery by requiring resident  
16 participation in treatment, self-help groups or other  
17 recovery supports.

18 (5) Policies requiring abstinence from alcohol and other  
19 illicit drugs.

20 (6) Procedures regarding appropriate use and security of  
21 medication.

22 (7) The maintenance of the property in which the drug  
23 and alcohol recovery house is located, including, but not  
24 limited to, the installation of functioning smoke detectors,  
25 carbon monoxide detectors and fire extinguishers.

26 (b) Temporary regulations.--In order to facilitate the  
27 prompt implementation of this chapter, regulations promulgated  
28 by the department shall be deemed temporary regulations that  
29 shall not expire for a period of three years following  
30 publication. Temporary regulations shall not be subject to:



1 each drug and alcohol recovery house adequate to carry out the  
2 provisions of this chapter.

3 § 5706. Registry.

4 The department shall create and maintain a publicly  
5 accessible registry on its publicly accessible Internet website  
6 of all licensed or certified drug and alcohol recovery houses  
7 within this Commonwealth, which shall be updated annually by the  
8 department.

9 § 5707. Violations.

10 A person owning a drug and alcohol recovery house that is <--  
11 funded, in whole or in part, with funding from the department,  
12 or a Federal, other State or county agency, that has failed to  
13 attain or maintain licensure or certification of a drug and  
14 alcohol recovery house and has not been licensed or certified by  
15 the department shall pay a fine of \$1,000 for each violation.

16 § 5708. Restricted account.

17 All fines and fees collected shall be deposited into a  
18 restricted account in the department which is established and  
19 shall be known as the Drug and Alcohol Recovery House Fund.  
20 Money in this account is to be utilized for the enforcement of  
21 this chapter.

22 § 5709. Compliance with other laws.

23 In order to receive and maintain licensure or certification,  
24 all drug and alcohol recovery houses must be in compliance with  
25 all Federal, State and local ordinances. Failure to comply or  
26 remain in compliance shall result in loss of licensure or  
27 certification and removal from the registry.

28 Section 2. This act shall take effect in 120 days.