

1 SENATE BILL NO. 94
2 INTRODUCED BY B. USHER
3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS AND PROHIBITING CERTAIN
6 PRACTICES FOR RECOVERY RESIDENCES; PROVIDING AN EXEMPTION; CREATING A REGISTRY OF
7 RECOVERY RESIDENCES IN MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE
8 TO RECEIVE RENTAL VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT
9 OF CORRECTIONS; PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING
10 AN EFFECTIVE DATE."

11
12 WHEREAS, Montanans facing addiction deserve the highest quality of care and support; and
13 WHEREAS, recovery residences can provide a healthy, sober living environment that helps individuals
14 with substance use disorders achieve and maintain sobriety; and
15 WHEREAS, it is crucial that recovery residences implement best practices and sound operating
16 procedures that enable and empower residents to gain access to community support, public services, and
17 therapeutic treatments to advance their recovery and develop independence.

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19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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21 NEW SECTION. **Section 1. Definitions.** As used in this part, unless the context clearly indicates
22 otherwise, the following definitions apply:

- 23 (1) "Alcohol and drug prevention or treatment facility" means a recovery residence, hospital, health
24 or counseling center, or other entity providing alcohol and drug services.
25 (2) "Alcohol and drug services" includes evaluation, treatment, residential personal care,
26 habilitation, rehabilitation, counseling, or supervision of persons with substance use disorders or services to
27 persons designed to prevent substance use disorders that either receive funds from the department of public
28 health and human services or assess fees for services provided.

1 (3) "Certified recovery residence" means a recovery residence, as defined in subsection (8), that
2 has received certification or another form of approval from a certifying organization, as defined in subsection
3 (4).

4 (4) "Certifying organization" means a recovery residence standards organization or an affiliate of a
5 recovery residence standards organization that operates in the state of Montana and is recognized by the
6 department of public health and human services.

7 (5) "Levels of care" means the continuum of support ranging from nonclinical recovery residences
8 to licensed clinical treatment.

9 (6) "Minor" means an individual under 18 years of age without regard to sex.

10 (7) "Qualified health care provider" means a person licensed as a physician, psychologist, social
11 worker, clinical professional counselor, marriage and family therapist, addiction counselor, or another
12 appropriate licensed health care practitioner.

13 (8) "Recovery residence" means a sober living home with a safe, family-like environment that
14 promotes recovery from substance use disorders through services including but not limited to peer support,
15 mutual support groups, and recovery services.

16 (9) "Sober" means free of alcohol and drugs, except for prescription medications taken as directed
17 by a licensed prescriber, including medications approved by the United States food and drug administration for
18 the treatment of opioid use disorder.

19 (10) (a) "Substance use disorder" means the use of any chemical substance, legal or illegal, that
20 creates behavioral or health problems, or both, resulting in operational impairment.

21 (b) This term includes alcoholism, drug dependency, or both, that endanger the health,
22 interpersonal relationships, or economic functions of an individual or the public health, safety, or welfare.

23
24 **NEW SECTION. Section 2. Recovery residence requirements.** (1) A-Except as provided in
25 subsection (9), a recovery residence must register with the department of public health and human services.

26 (2) A recovery residence may seek certification from a certifying organization.

27 (3) A recovery residence must have policies and protocols for the following:

28 (a) administrative oversight;

- 1 (b) quality standards;
- 2 (c) its residents;
- 3 (d) emergencies, including fire, natural disasters, and health emergencies, including overdose; and
- 4 (e) eviction of a resident, including the return of the resident's personal effects and property.
- 5 (4) A recovery residence must meet state and municipal requirements that apply to a residence's
- 6 dwelling size and occupancy, including but not limited to safety requirements, building codes, zoning
- 7 regulations, and local ordinance requirements.

8 (5) A recovery residence keep opioid-overdose drugs on site in an easily accessible place and

9 train staff and residents on the use of opioid-overdose drugs.

10 (6) Minor children of residents may reside with their parent in a certified recovery residence if

11 allowed in the residence's policies and protocols and if the residence maintains an environment consistent with

12 the welfare of minor residents.

13 (7) The recovery residence may not limit a resident's duration of stay to an arbitrary or fixed

14 amount of time. Each resident's duration of stay is determined by the resident's needs, progress, and

15 willingness to abide by the recovery residence's protocols in collaboration with the recovery residence's owner

16 and operator and, if appropriate, in consultation with a qualified health care provider.

17 (8) The recovery residence may permit residents to receive medication-assisted treatment.

18 (9) A recovery residence that is affiliated with a well-established religion or denomination is exempt

19 from compliance with [sections 1 through 5] if the recovery resident is able to provide a written letter of affiliation

20 from the religion or denomination.

21 (10) (a) Each recovery residence shall provide an annual compliance report to the certifying

22 organization.

23 (b) The certifying organization shall provide an annual compliance report, in accordance with 5-11-

24 210, to the criminal justice oversight council.

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26 **NEW SECTION. Section 3. Recovery residence prohibitions.** (1) The operator or staff of a

27 recovery residence may not:

28 (a) make a materially false or misleading statement or provide materially false or misleading