

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; CREATING A REGISTRY OF RECOVERY RESIDENCES IN  
7 MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECEIVE RENTAL  
8 VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS;  
9 PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE  
10 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

**Amendment - 2nd Reading/2nd House-tan - Requested by: Amy Regier - (H) Committee of the Whole**

68th Legislature

Drafter: Rachel Weiss, 406-444-5367

SB0094.005.001

1 health and human services or assess fees for services provided.

2 (3) "Certified recovery residence" means a recovery residence, as defined in subsection ~~(8)~~(9),  
3 that has received certification or another form of approval from a certifying organization, as defined in  
4 subsection (4).

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

8 (5) "Informed consent" means voluntary consent by an individual to a placement in a certified  
9 recovery residence only after full disclosure by a judge, justice of the peace, or magistrate of the following  
10 information:

11 (a) any limitations or prohibitions against narcotic medication associated with the certified recovery  
12 residence; and

13 (b) whether United States food and drug administration-approved medication-assisted treatment of  
14 substance use disorders, including the use of buprenorphine and suboxone, is limited or prohibited.

15 ~~(5)~~(6) "Levels of care" means the continuum of support ranging from nonclinical recovery residences  
16 to licensed clinical treatment.

17 ~~(6)~~(7) "Minor" means an individual under 18 years of age without regard to sex.

18 ~~(7)~~(8) "Qualified health care provider" means a person licensed as a physician, psychologist, social  
19 worker, clinical professional counselor, marriage and family therapist, addiction counselor, or another  
20 appropriate licensed health care practitioner.

21 ~~(8)~~(9) "Recovery residence" means a sober living home with a safe, family-like environment that  
22 promotes recovery from substance use disorders through services including but not limited to peer support,  
23 mutual support groups, and recovery services.

24 ~~(9)~~(10) "Sober" means free of alcohol and drugs, except for prescription medications taken as directed  
25 by a licensed prescriber, including medications approved by the United States food and drug administration for  
26 the treatment of opioid use disorder.

27 ~~(10)~~(11)(a) "Substance use disorder" means the use of any chemical substance, legal or illegal, that

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SB0094.005.001

1 creates behavioral or health problems, or both, resulting in operational impairment.

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

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5 NEW SECTION. Section 2. Recovery residence requirements. (1) A recovery residence must  
6 register with the department of public health and human services.

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

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

9 (a) administrative oversight;

10 (b) quality standards, INCLUDING IF THE RECOVERY RESIDENCE LIMITS OR PROHIBITS THE USE OF

11 NARCOTIC MEDICATION;

12 (c) its residents;

13 (d) emergencies, including fire, natural disasters, and health emergencies, including overdose; and

14 (e) eviction of a resident, including the return of the resident's personal effects and property.

15 (4) A recovery residence must meet state and municipal requirements that apply to a residence's  
16 dwelling size and occupancy, including but not limited to safety requirements, building codes, zoning  
17 regulations, and local ordinance requirements.

18 (5) A recovery residence must keep opioid-overdose drugs on site in an easily accessible place  
19 and train staff and residents on the use of opioid-overdose drugs.

20 (6) Minor children of residents may reside with their parent in a certified recovery residence if  
21 allowed in the residence's policies and protocols and if the residence maintains an environment consistent with  
22 the welfare of minor residents.

23 (7) The recovery residence may not limit a resident's duration of stay to an arbitrary or fixed  
24 amount of time UNLESS ALL TRANSITION AND COMPLETION DATES ARE AGREED ON BY BOTH PARTIES AT THE TIME OF  
25 ADMISSION. Each resident's duration of stay is determined by the resident's needs, progress, and willingness to  
26 abide by the recovery residence's protocols in collaboration with the recovery residence's owner and operator  
27 and, if appropriate, in consultation with a qualified health care provider.

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NEW SECTION. Section 4. Powers and duties of department of public health and human services -- ANNUAL COUNTY REPORT. (1) The department of public health and human services shall:

~~(1)~~(A) maintain a registry of recovery residences in the state;

~~(2)~~(B) include on its website a public-facing list of certifying organizations that operate in the state and are recognized by the department;

~~(3)~~(C) include on its website a public-facing list of recovery residences in the state that indicates which recovery residences are certified recovery residences; AND

(D) ENSURE THAT IT SUPPORTS SEVERAL SETS OF CERTIFICATION STANDARDS TO ACCOMMODATE VARIOUS PROGRAM MODELS.

(2) (A) BY THE DATE AND ON A FORM PRESCRIBED BY THE DEPARTMENT, EACH COUNTY SHALL SUBMIT TO THE DEPARTMENT AN ANNUAL REPORT OF KNOWN RECOVERY RESIDENCES IN THE COUNTY.

(B) A REPORT MUST CONTAIN THE FOLLOWING INFORMATION FOR EACH KNOWN RECOVERY RESIDENCE:

(I) THE NAME OF THE RECOVERY RESIDENCE;

(II) THE PHYSICAL AND MAILING ADDRESSES OF THE RECOVERY RESIDENCE;

(III) THE NAME AND CONTACT INFORMATION OF THE OWNER OF THE RECOVERY RESIDENCE; AND

(IV) ADDITIONAL INFORMATION WHEN AVAILABLE, INCLUDING:

(A) THE NAME AND CONTACT INFORMATION OF THE RECOVERY RESIDENCE MANAGER OR OTHER LEADERSHIP STAFF;

(B) THE POPULATION SERVED BY THE RECOVERY RESIDENCE;

(C) WHETHER THE RECOVERY RESIDENCE LIMITS OR PROHIBITS THE USE OF NARCOTIC MEDICATION; AND

~~(C)~~(D) OTHER INFORMATION THE COUNTY CONSIDERS PERTINENT.

(3) AS PERMITTED BY FEDERAL AND STATE LAW, THE DEPARTMENT SHALL POST THE LOCATION OR PHYSICAL ADDRESS OF A RECOVERY RESIDENCE ON THE DEPARTMENT'S WEBSITE.

NEW SECTION. Section 5. Preferential placement at and referral to certified recovery residences -- informed consent required for placement in certain certified recovery residences. (1) The

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1 department of corrections shall establish a preference for certified recovery residences by encouraging and  
2 assisting appropriate individuals seeking placements in recovery residences.

3 (2) (a) ~~A qualified health care provider~~, judge, justice of the peace, or magistrate may not refer an  
4 individual to an uncertified recovery residence.

5 (B) (i) A judge, justice of the peace, or magistrate shall refer an individual to at least two recovery  
6 residences, one of which must support United States food and drug administration-approved medication-  
7 assisted treatment of substance use disorders.

8 (ii) A JUDGE, JUSTICE OF THE PEACE, OR MAGISTRATE MAY NOT REFER AN INDIVIDUAL TO A CERTIFIED  
9 RECOVERY RESIDENCE THAT DOES NOT PERMIT THE INDIVIDUAL TO RECEIVE TREATMENT OR TAKE MEDICATION  
10 PRESCRIBED BY A QUALIFIED HEALTH CARE PROVIDER without the informed consent of the individual who is subject  
11 to the referral. THE PROVISIONS OF THIS SUBSECTION (2)(B) DO NOT INCLUDE A RECOVERY RESIDENCE OR PROGRAM  
12 THAT LIMITS OR PROHIBITS THE USE OF NARCOTIC MEDICATION IN ORDER TO PROVIDE A SAFE RECOVERY ENVIRONMENT  
13 TO INDIVIDUALS WHO MAY BE ADDICTED TO LEGAL MEDICATION. THE RECOVERY RESIDENCE OR PROGRAM SHALL  
14 REPORT THIS PRACTICE AS REQUIRED IN [SECTIONS 2(3)(B) AND 4].

15 ~~(b)(c)~~ WhenIn addition to the requirements of subsection (2)(b), when referring an individual to a  
16 recovery residence, a qualified health care provider, judge, justice of the peace, or magistrate shall consider  
17 the:

18 (i) culture of the recovery residence, including but not limited to the permissiveness of unhealthy  
19 behaviors, current residents' commitment to recovery and support of other residents, requirements and support  
20 to attend and seek clinical treatment and outside nonclinical sobriety support, and the general living  
21 environment;

22 ~~(ii) levels of care the recovery residence provides, including the type, nature, and intensity of the~~  
23 ~~therapeutic services and recovery supports provided, and the ability to meet the referee's specific needs;~~

24 ~~(iii) utilization of certified or appropriately trained peers with relevant lived experience;~~

25 ~~(iv)(ii)~~ geographic area, neighborhood, or external surrounding environment of the recovery  
26 residence;

27 ~~(v)(iii)~~ physical living environment of the recovery residence;