

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2221

Introduced by Assembly Member Beall

February 18, 2010

An act to amend, *repeal, and add* Section 11834.02 of the Health and Safety Code, relating to alcoholism or drug abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2221, as amended, Beall. Substance abuse: treatment facilities.

Existing law provides for the licensure, certification, and regulation of alcoholism or drug use recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. These facilities are defined to mean any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

This bill would, *until January 1, 2013*, revise the above-described definition to also include any premises, place, or building that provides a program, accredited by a nationally recognized accrediting organization, that uses a multidisciplinary team, as specified, to provide limited medical services within a residential facility that do not require a health facility license, to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse and who

need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11834.02 of the Health and Safety Code
2 is amended to read:

3 11834.02. (a) As used in this chapter, “alcoholism or drug
4 abuse recovery or treatment facility” or “facility” means any
5 premises, place, or building that provides 24-hour residential
6 nonmedical services to adults who are recovering from problems
7 related to alcohol, drug, or alcohol and drug misuse or abuse, and
8 who need alcohol, drug, or alcohol and drug recovery treatment
9 or detoxification services. As used in this chapter, “alcoholism or
10 drug abuse recovery or treatment facility” or “facility” also means
11 any premises, place, or building that provides a program, accredited
12 by a nationally recognized accrediting organization, that uses a
13 multidisciplinary team, including a physician and surgeon when
14 available, to provide medical services within a residential facility;
15 ~~limited to routine services within the scope of practice of an~~
16 ~~addiction medicine specialist~~ that do not require a health facility
17 license, to adults who are recovering from problems related to
18 alcohol, drug, or alcohol and drug misuse or abuse and who need
19 alcohol, drug, or alcohol and drug recovery treatment or
20 detoxification services.

21 (b) As used in this chapter, “adults” include, but are not limited
22 to, all of the following:

- 23 (1) Mothers over 18 years of age and their children.
- 24 (2) Emancipated minors, which may include, but are not limited
25 to, mothers under 18 years of age and their children.

26 (c) As used in this chapter, “emancipated minors” means persons
27 under 18 years of age who have acquired emancipation status
28 pursuant to Section 7002 of the Family Code.

29 (d) Notwithstanding subdivision (a), an alcoholism or drug
30 abuse recovery or treatment facility may serve adolescents upon
31 the issuance of a waiver granted by the department pursuant to
32 regulations adopted under subdivision (c) of Section 11834.50.

1 (e) *Nothing contained in this section shall be construed to permit*
2 *the state or a local governmental entity to require the provision*
3 *of medical services on site as a condition of licensure, funding, or*
4 *other regulatory supervision.*

5 (f) *This section shall remain in effect only until January 1, 2013,*
6 *and as of that date is repealed, unless a later enacted statute, that*
7 *is enacted before January 1, 2013, deletes or extends that date.*

8 SEC. 2. *Section 11834.02 is added to the Health and Safety*
9 *Code, to read:*

10 11834.02. (a) *As used in this chapter, “alcoholism or drug*
11 *abuse recovery or treatment facility” or “facility” means a*
12 *premises, place, or building that provides 24-hour residential*
13 *nonmedical services to adults who are recovering from problems*
14 *related to alcohol, drug, or alcohol and drug misuse or abuse, and*
15 *who need alcohol, drug, or alcohol and drug recovery treatment*
16 *or detoxification services.*

17 (b) *As used in this chapter, “adults” include, but are not limited*
18 *to, all of the following:*

19 (1) *Mothers over 18 years of age and their children.*

20 (2) *Emancipated minors, which may include, but are not limited*
21 *to, mothers under 18 years of age and their children.*

22 (c) *As used in this chapter, “emancipated minors” means*
23 *persons under 18 years of age who have acquired emancipation*
24 *status pursuant to Section 7002 of the Family Code.*

25 (d) *Notwithstanding subdivision (a), an alcoholism or drug*
26 *abuse recovery or treatment facility may serve adolescents upon*
27 *the issuance of a waiver granted by the department pursuant to*
28 *regulations adopted under subdivision (c) of Section 11834.50.*

29 (e) *This section shall become operative on January 1, 2013.*

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