

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2491

Introduced by Assembly Member Nestande

February 21, 2014

An act to ~~amend Section 11834.02 of~~ *add Section 11834.255* to the Health and Safety Code, relating to alcohol and drug abuse treatment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2491, as amended, Nestande. Alcohol and drug abuse treatment ~~facilities:~~ *facilities: sober living homes.*

Under existing law, the State Department of Health Care Services is responsible for licensing and certifying alcoholism and drug abuse recovery and treatment programs and facilities, as defined, including both residential and nonresidential programs.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

This bill would provide that a sober living home, as defined, is exempt from licensure under these provisions. The bill also would provide that a residence housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members, as specified.

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

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

1 SECTION 1. Section 11834.255 is added to the Health and
2 Safety Code, to read:
3 11834.255. (a) *The purpose of this section is to provide a*
4 *definition of a “sober living home” so as to give both those*
5 *purporting to operate these facilities and local code and law*
6 *enforcement agencies the ability to determine whether residences*
7 *housing former drug and alcohol abusers are exempt from local*
8 *regulation or exercise of local police powers. A sober living home,*
9 *as defined in this section, shall be exempt from licensure under*
10 *Chapter 7.5 (commencing with Section 11834.01).*
11 (b) *For purposes of this chapter, “sober living home” means a*
12 *residential property that is operated as a cooperative living*
13 *arrangement to provide an alcohol- and drug-free environment*
14 *for persons recovering from alcoholism or drug abuse, or both,*
15 *who seek a living environment in which to remain clean and sober,*
16 *and that satisfies all of the following requirements:*
17 (1) *Residents of the facility, including live-in managers,*
18 *operators, or owners, are living a sober lifestyle.*
19 (2) *Residents actively participate in legitimate recovery*
20 *programs, including, but not limited to, outpatient treatment,*
21 *12-step recovery, and other recognized programs of recovery, and*
22 *maintain current records of meeting attendance.*
23 (3) *Owners, managers, operators, and residents observe and*
24 *promote a zero-tolerance policy regarding the consumption or*
25 *possession of alcohol or controlled substances, except for*
26 *prescription medications obtained and used under direct medical*
27 *supervision. The observation and promotion of this policy may*
28 *take into account demonstrable efforts made by residents to*
29 *respond to, and prevent additional violations of, the policy.*
30 (4) *Owners, managers, operators, and residents do not provide*
31 *onsite any of the following services, as they are defined in*
32 *subdivision (a) of Section 10501 of Title 9 of the California Code*
33 *of Regulations:*
34 (A) *Detoxification.*
35 (B) *Educational counseling.*
36 (C) *Individual or group counseling sessions.*
37 (D) *Treatment or recovery planning.*

1 (5) *The number of residents who are subject to the sex offender*
2 *registration requirements of Section 290 of the Penal Code does*
3 *not exceed the limit set forth in Section 3003.5 of the Penal Code*
4 *and does not violate the distance provisions set forth in Section*
5 *3003 of the Penal Code.*

6 (6) *Residents do not require nonmedical care or supervision,*
7 *as those terms are defined in Section 1503.5 and in Title 22 of the*
8 *California Code of Regulations.*

9 (7) *Owners, managers, operators, and residents ensure that the*
10 *property and its use comply with applicable state and local law.*

11 (c) *A residence housing those purporting to be recovering from*
12 *drug and alcohol abuse shall be presumed to be a sober living*
13 *home if the residence has been certified, registered, or approved*
14 *by a recognized nonprofit organization that provides a credible*
15 *quality assurance service for applicants or members. The*
16 *recognized nonprofit organization should establish minimum*
17 *standards for protocols to address suspected drug and alcohol*
18 *abuse, protocols to report the death of a resident, and basic first*
19 *aid and CPR training.*

20 (d) *This section shall not be construed to prohibit minor children*
21 *who are dependents of a resident of the facility from also residing*
22 *in the facility.*

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

25 ~~11834.02. (a) As used in this chapter, “alcoholism or drug~~
26 ~~abuse recovery or treatment facility” or “facility” means a premises,~~
27 ~~place, or building that provides 24-hour residential nonmedical~~
28 ~~services to adults who are recovering from problems related to~~
29 ~~alcohol, drug, or alcohol and drug misuse or abuse, and who need~~
30 ~~alcohol, drug, or alcohol and drug recovery treatment or~~
31 ~~detoxification services.~~

32 ~~(b) As used in this chapter, “adults” may include, but is not~~
33 ~~limited to, all of the following:~~

34 ~~(1) Mothers over 18 years of age and their children.~~

35 ~~(2) Emancipated minors, which may include, but is not limited~~
36 ~~to, mothers under 18 years of age and their children.~~

37 ~~(c) As used in this chapter, “emancipated minors” means~~
38 ~~persons under 18 years of age who has acquired emancipation~~
39 ~~status pursuant to Section 7002 of the Family Code.~~

1 ~~(d) Notwithstanding subdivision (a), an alcoholism or drug~~
2 ~~abuse recovery or treatment facility may serve adolescents upon~~
3 ~~the issuance of a waiver granted by the department pursuant to~~
4 ~~regulations adopted under subdivision (e) of Section 11834.50.~~

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