

AMENDED IN SENATE JULY 1, 2014  
AMENDED IN ASSEMBLY APRIL 22, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2491**

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**Introduced by Assembly Member Nestande**

February 21, 2014

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An act to ~~add Section 11834.255 to the Health and Safety Code, relating to alcohol and drug abuse treatment.~~ *amend Sections 11834.01, 11834.02, 11834.09, 11834.10, 11834.17, 11834.18, 11834.20, 11834.21, 11834.22, 11834.23, 11834.24, 11834.25, 11834.26, 11834.30, 11834.31, 11834.32, 11834.36, and 11834.50 of, and to add Section 11834.11 to, the Health and Safety Code, relating to substance abuse.*

LEGISLATIVE COUNSEL'S DIGEST

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

*Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Health Care Services. Existing law requires the department to grant certification to any alcoholism or drug abuse recovery or treatment program requesting the certification.*

*This bill would require the department to also administer the licensure and regulation of adult recovery maintenance facilities, as defined, and would require the department to adopt emergency regulations,*

*applicable only to adult recovery maintenance facilities, to implement the fee process for initial licensure, and the provisions for the extension of licensure, followup compliance visits, and civil penalties. The bill would make conforming changes to related provisions.*

~~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 provide that a sober living home, as defined, is exempt from licensure under these provisions. The bill also would provide that residence housing individuals 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: yes.  
State-mandated local program: no.

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

- 1     SECTION 1. Section 11834.01 of the Health and Safety Code
- 2     is amended to read:
- 3     11834.01. (a) The department has the sole authority in state
- 4     government to license adult alcoholism or drug abuse recovery or
- 5     treatment facilities and adult recovery maintenance facilities.
- 6     (a)
- 7     (b) In administering this chapter, the department shall issue new
- 8     licenses for a period of two years to those ~~programs~~ facilities that
- 9     meet the criteria for licensure set forth in Section 11834.03.
- 10    (b)
- 11    (c) Onsite ~~program~~ facility visits for compliance shall be
- 12    conducted at least once during the license period.
- 13    (e)
- 14    (d) The department may conduct announced or unannounced
- 15    site visits to facilities licensed pursuant to this chapter for the
- 16    purpose of reviewing for compliance with all applicable statutes
- 17    and regulations.
- 18    (e) *On or before July 1, 2016, the department, in consultation*
- 19    *with providers of alcohol and other drug recovery, treatment,*
- 20    *detoxification, and adult recovery maintenance services, county*

1 alcohol and drug program administrators, local government  
2 jurisdictions, funding and referral organizations and agencies,  
3 and appropriate state agencies, shall develop and adopt emergency  
4 regulations governing the licensing and operation of adult recovery  
5 maintenance facilities, including regulations governing services  
6 related to special needs as these needs are identified by the  
7 department.

8 (f) On or before July 1, 2016, the department shall also adopt  
9 emergency regulations, applicable only to adult recovery  
10 maintenance facilities, to implement the fee process for initial  
11 licensure, and the provisions for the extension of licensure,  
12 followup compliance visits, and civil penalties.

13 SEC. 2. Section 11834.02 of the Health and Safety Code is  
14 amended to read:

15 11834.02. (a) As used in this chapter, ~~“alcoholism~~ the  
16 following terms have the following meanings:

17 (1) “Alcoholism or drug abuse recovery or treatment facility”  
18 ~~or “facility”~~ means any premises, place, or building that provides  
19 24-hour residential nonmedical services to adults who are  
20 recovering from problems related to alcohol, drug, or alcohol and  
21 drug misuse or abuse, and who ~~need~~ receive alcohol, drug, or  
22 alcohol and drug recovery treatment or detoxification services.

23 (2) “Adult recovery maintenance facility” means any premises,  
24 place, or building that provides alcohol- or drug-free housing to  
25 adults whose rules, peer-led groups, staff activities, or other  
26 structured operations are directed primarily toward maintenance  
27 of sobriety for adults in early recovery from substance abuse or  
28 adults who recently have completed alcoholism or drug abuse  
29 recovery or treatment services. The facility shall be designed to  
30 promote independent living in a supervised setting and shall not  
31 provide professional recovery or treatment services as defined in  
32 paragraph (1). The facility may require that adults receive offsite  
33 alcoholism or other drug treatment services. The facility is  
34 otherwise authorized to receive public funds for individual  
35 residents. An adult recovery maintenance facility does not include  
36 an unstructured living arrangement that requires residents to  
37 abstain from using alcohol or drugs.

38 ~~(b) As used in this chapter, “adults”~~

39 (3) “Adults” may include, but is not limited to, all of the  
40 following:

1     ~~(1) Mothers over~~  
2     (A) Persons 18 years of age or older and their minor children.  
3     ~~(2)~~  
4     (B) Emancipated minors, which may include, but is not limited  
5 to, ~~mothers persons~~ under 18 years of age and their minor children.  
6     ~~(e) As used in this chapter, “emancipated~~  
7     (4) “Emancipated minors” means persons under 18 years of  
8 age who have acquired emancipation status pursuant to Section  
9 7002 of the Family Code.  
10    ~~(d)~~  
11    (b) Notwithstanding *paragraph (1) of* subdivision (a), an  
12 alcoholism or drug abuse recovery or treatment facility may serve  
13 adolescents upon the issuance of a waiver granted by the  
14 department pursuant to regulations adopted under subdivision (c)  
15 of Section 11834.50.  
16    SEC. 3. *Section 11834.09 of the Health and Safety Code is*  
17 *amended to read:*  
18    11834.09. (a) Upon receipt of a completed written application,  
19 fire clearance, and licensing fee from the prospective licensee, and  
20 subject to the department’s review and determination that the  
21 prospective licensee can comply with this chapter and regulations  
22 adopted pursuant to this chapter, the department may issue a single  
23 license to the following types of alcoholism or drug abuse recovery  
24 or treatment facilities: any of the following:  
25    (1) A single license to the following types of alcoholism or drug  
26 abuse recovery or treatment facilities:  
27    (1)  
28    (A) A residential facility.  
29    ~~(2)~~  
30    (B) A facility wherein separate buildings or portions of a  
31 residential facility are integral components of a single alcoholism  
32 or drug abuse recovery or treatment facility and all of the  
33 components of the facility are managed by the same licensee.  
34    (2) A single license to an adult recovery maintenance facility.  
35    (b) The department shall commence the licensure of adult  
36 recovery maintenance facilities only after developing and adopting  
37 regulations, pursuant to Section 11835, for purposes of Section  
38 11834.01. However, the licensing activity shall not commence  
39 later than January 1, 2017.  
40    ~~(b)~~

1 (c) Failure to submit a completed written application, fire  
2 clearance, and payment of the required licensing fee in a timely  
3 manner shall result in termination of the department's licensure  
4 review and shall require submission of a new application by the  
5 prospective licensee.

6 (e)

7 (d) Failure of the prospective licensee to demonstrate the ability  
8 to comply with this chapter or the regulations adopted pursuant to  
9 this chapter shall result in departmental denial of the prospective  
10 licensee's application for licensure.

11 *SEC. 4. Section 11834.10 of the Health and Safety Code is*  
12 *amended to read:*

13 11834.10. A licensee shall not operate an alcoholism or drug  
14 abuse recovery or treatment facility *or an adult recovery*  
15 *maintenance facility* beyond the conditions and limitations  
16 specified on the license.

17 *SEC. 5. Section 11834.11 is added to the Health and Safety*  
18 *Code, to read:*

19 *11834.11. A state or local social services, law enforcement,*  
20 *or corrections agency, court, probation officer, or parole officer*  
21 *shall not refer any person to an alcoholism or drug abuse recovery*  
22 *or treatment facility or an adult recovery maintenance facility that*  
23 *is not licensed.*

24 *SEC. 6. Section 11834.17 of the Health and Safety Code is*  
25 *amended to read:*

26 11834.17. ~~No~~A city, county, city and county, or district shall  
27 not adopt or enforce any building ordinance or local rule or  
28 ~~regulations~~ *regulation* relating to the subject of fire and life safety  
29 in alcoholism and drug abuse recovery ~~facilities which~~ *or treatment*  
30 *facilities or adult recovery maintenance facilities that* is more  
31 restrictive than those standards adopted by the State Fire Marshal.

32 *SEC. 7. Section 11834.18 of the Health and Safety Code is*  
33 *amended to read:*

34 11834.18. (a) Nothing in this chapter shall authorize the  
35 imposition of rent regulations or controls for licensed alcoholism  
36 or drug abuse recovery or treatment facilities *or adult recovery*  
37 *maintenance facilities.*

38 (b) Licensed alcoholism ~~and~~ *or* drug abuse recovery or  
39 treatment facilities *and adult recovery maintenance facilities* shall

1 not be subject to controls on rent imposed by any state or local  
2 agency or other local government or entity.

3 *SEC. 8. Section 11834.20 of the Health and Safety Code is*  
4 *amended to read:*

5 11834.20. The Legislature hereby declares that it is the policy  
6 of this state that each county and city shall permit and encourage  
7 the development of sufficient numbers and types of alcoholism or  
8 drug abuse recovery or treatment facilities *and adult recovery*  
9 *maintenance facilities* as are commensurate with local need.

10 The provisions of this article apply equally to any chartered city,  
11 general law city, county, city and county, district, and any other  
12 local public entity.

13 For the purposes of this article, “six or fewer persons” does not  
14 include the licensee ~~or~~, members of the licensee’s family ~~or~~,  
15 persons employed as facility staff, *or minor dependents of the*  
16 *resident.*

17 *SEC. 9. Section 11834.21 of the Health and Safety Code is*  
18 *amended to read:*

19 11834.21. (a) Any person licensed under this chapter who  
20 operates or proposes to operate an alcoholism or drug abuse  
21 recovery or treatment facility *or an adult recovery maintenance*  
22 *facility*, the department or other public agency authorized to license  
23 such a facility, or any public or private agency ~~which~~ *that* uses or  
24 may use the services of the facility to place its clients, may invoke  
25 the provisions of this article.

26 **This**

27 (b) *This* section shall not be construed to prohibit any interested  
28 party from bringing suit to invoke the provisions of this article.

29 *SEC. 10. Section 11834.22 of the Health and Safety Code is*  
30 *amended to read:*

31 11834.22. An alcoholism or drug abuse recovery or treatment  
32 facility ~~which~~ *or an adult recovery maintenance facility that serves*  
33 six or fewer persons shall not be subject to any business taxes,  
34 local registration fees, use permit fees, or other fees to which other  
35 single-family dwellings are not likewise subject. Nothing in this  
36 section shall be construed to forbid the imposition of local property  
37 taxes, fees for water service and garbage collection, fees for  
38 inspections not prohibited by Section 11834.23, local bond  
39 assessments, and other fees, charges, and assessments to which  
40 other single-family dwellings are likewise subject. Neither the

1 State Fire Marshal nor any local public entity shall charge any fee  
2 for enforcing fire inspection regulations pursuant to state law or  
3 regulation or local ordinance, with respect to alcoholism or drug  
4 abuse recovery or treatment facilities—~~which or adult recovery~~  
5 *maintenance facilities that serve six or fewer persons.*

6 *SEC. 11. Section 11834.23 of the Health and Safety Code is*  
7 *amended to read:*

8 11834.23. Whether or not unrelated persons are living together,  
9 an alcoholism or drug abuse recovery or treatment facility—~~which~~  
10 *or an adult recovery maintenance facility that serves six or fewer*  
11 *persons shall be considered a residential use of property for the*  
12 *purposes of this article. In addition, the residents and operators of*  
13 ~~such a~~ *the facility shall be considered a family for the purposes of*  
14 *any law or zoning ordinance—~~which that~~ relates to the residential*  
15 *use of property pursuant to this article.*

16 For the purpose of all local ordinances, an alcoholism or drug  
17 abuse recovery or treatment facility—~~which or an adult recovery~~  
18 *maintenance facility that serves six or fewer persons shall not be*  
19 *included within the definition of a boarding house, rooming house,*  
20 *institution or home for the care of minors, the aged, or the mentally*  
21 *infirm, foster care home, guest home, rest home, sanitarium, mental*  
22 *hygiene home, or other similar term—~~which that~~ implies that the*  
23 *alcoholism or drug abuse recovery or treatment—~~home facility or~~*  
24 *the adult recovery maintenance facility is a business run for profit*  
25 *or differs in any other way from a single-family residence.*

26 This section shall not be construed to forbid any city, county, or  
27 other local public entity from placing restrictions on building  
28 heights, setback, lot dimensions, or placement of signs of an  
29 alcoholism or drug abuse recovery or treatment facility—~~which or~~  
30 *an adult recovery maintenance facility that serves six or fewer*  
31 *persons as long as the restrictions are identical to those applied to*  
32 *other single-family residences.*

33 This section shall not be construed to forbid the application to  
34 an alcoholism or drug abuse recovery or treatment facility *or an*  
35 *adult recovery maintenance facility of any local ordinance—~~which~~*  
36 *that deals with health and safety, building standards, environmental*  
37 *impact standards, or any other matter within the jurisdiction of a*  
38 *local public entity. However, the ordinance shall not distinguish*  
39 *alcoholism or drug abuse recovery or treatment facilities—~~which~~*  
40 *or adult recovery maintenance facilities that serve six or fewer*

1 persons from other single-family dwellings or distinguish residents  
 2 of alcoholism or drug abuse recovery or treatment facilities *or*  
 3 *adult recovery maintenance facilities* from persons who reside in  
 4 other single-family dwellings.

5 No conditional use permit, zoning variance, or other zoning  
 6 clearance shall be required of an alcoholism or drug abuse recovery  
 7 or treatment facility ~~which~~ *or an adult recovery maintenance*  
 8 *facility that* serves six or fewer persons that is not required of a  
 9 single-family residence in the same zone.

10 Use of a single-family dwelling for purposes of an alcoholism  
 11 or drug abuse recovery *or treatment facility or an adult recovery*  
 12 *maintenance facility* serving six or fewer persons shall not  
 13 constitute a change of occupancy for purposes of Part 1.5  
 14 (commencing with Section 17910) of Division 13 or local building  
 15 codes. However, nothing in this section is intended to supersede  
 16 Section 13143 or 13143.6, to the extent those sections are  
 17 applicable to alcoholism or drug abuse recovery or treatment  
 18 facilities *or adult recovery maintenance facilities* serving six or  
 19 fewer residents.

20 *SEC. 12. Section 11834.24 of the Health and Safety Code is*  
 21 *amended to read:*

22 11834.24. ~~No~~A fire inspection clearance or other permit,  
 23 license, clearance, or similar authorization shall *not* be denied to  
 24 an alcoholism or drug abuse recovery or treatment facility *or an*  
 25 *adult recovery maintenance facility* because of a failure to comply  
 26 with local ordinances from which the facility is exempt under  
 27 Section 11834.23, if the applicant otherwise qualifies for a fire  
 28 clearance, license, permit, or similar authorization.

29 *SEC. 13. Section 11834.25 of the Health and Safety Code is*  
 30 *amended to read:*

31 11834.25. (a) For the purposes of any contract, deed, or  
 32 covenant for the transfer of real property executed on or after  
 33 January 1, 1979, an alcoholism or drug abuse recovery or treatment  
 34 facility ~~which~~ *that* serves six or fewer persons shall be considered  
 35 a residential use of property and a use of property by a single  
 36 family, notwithstanding any disclaimers to the contrary.

37 (b) *For the purposes of any contract, deed, or covenant for the*  
 38 *transfer of real property executed on or after the date that licensure*  
 39 *commences for adult recovery maintenance facilities, an adult*  
 40 *recovery maintenance facility that serves six or fewer persons shall*

1 *be considered a residential use of property and a use of property*  
2 *by a single family, notwithstanding any disclaimers to the contrary.*

3 *SEC. 14. Section 11834.26 of the Health and Safety Code is*  
4 *amended to read:*

5 11834.26. (a) ~~The licensee~~*An alcoholism or drug abuse*  
6 *recovery or treatment facility shall provide at least one of the*  
7 *following nonmedical services:*

8 (1) Recovery services.

9 (2) Treatment services.

10 (3) Detoxification services.

11 (b) The department shall adopt regulations requiring records  
12 and procedures that are appropriate for each of the services  
13 specified in subdivision (a). The records and procedures may  
14 include all of the following:

15 (1) Admission criteria.

16 (2) Intake process.

17 (3) Assessments.

18 (4) Recovery, treatment, or detoxification planning.

19 (5) Referral.

20 (6) Documentation of provision of recovery, treatment or  
21 detoxification services.

22 (7) Discharge and continuing care planning.

23 (8) Indicators of recovery, treatment, or detoxification outcomes.

24 (c) ~~In the development of regulations implementing this section~~  
25 *subdivisions (a) and (b), the written record requirements shall be*  
26 *modified or adapted for social model programs.*

27 (d) *An adult recovery maintenance facility shall provide at least*  
28 *one of the following recovery maintenance services:*

29 (1) *Aftercare.*

30 (2) *Referral to community resources.*

31 (3) *Referral to offsite certified alcoholism or other drug recovery*  
32 *or treatment services when required.*

33 (4) *Participation in self-help groups on or off the premises.*

34 (e) *An adult recovery maintenance facility may require or*  
35 *provide drug and alcohol testing and self-help groups on or off*  
36 *the premises.*

37 (f) *An adult recovery maintenance facility shall maintain records*  
38 *in order to document the services provided.*

39 (g) *An adult recovery maintenance facility shall maintain*  
40 *documentation of services provided to and progress made by clients*

1 *who are referred to the adult recovery maintenance facility by a*  
2 *public agency.*

3 *SEC. 15. Section 11834.30 of the Health and Safety Code is*  
4 *amended to read:*

5 11834.30. ~~No~~(a) A person, firm, partnership, association,  
6 corporation, or local governmental entity shall *not* operate,  
7 establish, manage, conduct, or maintain an alcoholism or drug  
8 abuse recovery or treatment facility to provide recovery, treatment,  
9 or detoxification services within this state without first obtaining  
10 a current valid license issued pursuant to this chapter.

11 (b) A person, firm, partnership, association, corporation, or  
12 local governmental entity shall *not* operate, establish, manage,  
13 conduct, or maintain an adult recovery maintenance facility to  
14 provide recovery maintenance services within this state without  
15 first obtaining a current valid license issued pursuant to this  
16 chapter.

17 (c) Any provider of both an alcoholism or drug abuse recovery  
18 or treatment facility and an adult recovery maintenance facility  
19 shall hold a separate license for each facility.

20 *SEC. 16. Section 11834.31 of the Health and Safety Code is*  
21 *amended to read:*

22 11834.31. If a facility is alleged to be in violation of Section  
23 11834.30, the department shall conduct a site visit to investigate  
24 the allegation. If the department’s employee or agent finds evidence  
25 that the facility is providing alcoholism or drug abuse recovery,  
26 treatment, ~~or~~ detoxification, *or recovery maintenance* services  
27 without a license, the employee or agent shall take the following  
28 actions:

29 (a) Submit the findings of the investigation to the department.

30 (b) Upon departmental authorization, issue a written notice to  
31 the facility stating that the facility is operating in violation of  
32 Section 11834.30. The notice shall include all of the following:

33 (1) The date by which the facility shall cease providing services.

34 (2) Notice that the department will assess against the facility a  
35 civil penalty of two hundred dollars (\$200) per day for every day  
36 the facility continues to provide services beyond the date specified  
37 in the notice.

38 (3) Notice that the case will be referred for civil proceedings  
39 pursuant to Section 11834.32 in the event the facility continues to  
40 provide services beyond the date specified in the notice.

1 (c) Inform the facility of the licensing requirements of this  
2 chapter.

3 *SEC. 17. Section 11834.32 of the Health and Safety Code is*  
4 *amended to read:*

5 11834.32. (a) The director may bring an action to enjoin the  
6 violation of Section 11834.30 in the superior court in and for the  
7 county in which the violation occurred. Any proceeding under this  
8 section shall conform to the requirements of Chapter 3  
9 (commencing with Section 525) of Title 7 of Part 2 of the Code  
10 of Civil Procedure, except that the director shall not be required  
11 to allege facts necessary to show or tending to show lack of  
12 adequate remedy at law or irreparable damage or loss.

13 (b) With respect to any and all actions brought pursuant to this  
14 section alleging actual violation of Section 11834.30, the court  
15 shall, if it finds the allegations to be true, issue its order enjoining  
16 the alcoholism or drug abuse recovery or treatment facility *or the*  
17 *adult recovery maintenance facility* from continuance of the  
18 violation.

19 *SEC. 18. Section 11834.36 of the Health and Safety Code is*  
20 *amended to read:*

21 11834.36. (a) The director may suspend or revoke any license  
22 issued under this chapter, or deny an application for licensure, for  
23 extension of the licensing period, or to modify the terms and  
24 conditions of a license, upon any of the following grounds and in  
25 the manner provided in this chapter:

26 (1) Violation by the licensee of any provision of this chapter  
27 or regulations adopted pursuant to this chapter.

28 (2) Repeated violation by the licensee of any of the provisions  
29 of this chapter or regulations adopted pursuant to this chapter.

30 (3) Aiding, abetting, or permitting the violation of, or any  
31 repeated violation of, any of the provisions described in paragraph  
32 (1) or (2).

33 (4) Conduct in the operation of an alcoholism or drug abuse  
34 recovery or treatment facility *or an adult recovery maintenance*  
35 *facility* that is inimical to the health, morals, welfare, or safety of  
36 either an individual in, or receiving services from, the facility or  
37 to the people of the State of California.

38 (5) Misrepresentation of any material fact in obtaining the  
39 alcoholism or drug abuse recovery or treatment facility license *or*  
40 *the adult recovery maintenance facility license.*

1 (6) Failure to pay any civil penalties assessed by the department.  
 2 (b) The director may temporarily suspend any license prior to  
 3 any hearing when, in the opinion of the director, the action is  
 4 necessary to protect residents of the alcoholism or drug abuse  
 5 recovery or treatment facility *or the adult recovery maintenance*  
 6 *facility* from physical or mental abuse, abandonment, or any other  
 7 substantial threat to health or safety. The director shall notify the  
 8 licensee of the temporary suspension and the effective date of the  
 9 temporary suspension and at the same time shall serve the provider  
 10 with an accusation. Upon receipt of a notice of defense to the  
 11 accusation ~~by~~ *from* the licensee, the director shall, within 15 days,  
 12 set the matter for hearing, and the hearing shall be held as soon as  
 13 possible. The temporary suspension shall remain in effect until the  
 14 time the hearing is completed and the director has made a final  
 15 determination on the merits. However, the temporary suspension  
 16 shall be deemed vacated if the director fails to make a final  
 17 determination on the merits within 30 days after the department  
 18 receives the proposed decision from the Office of Administrative  
 19 Hearings.

20 *SEC. 19. Section 11834.50 of the Health and Safety Code is*  
 21 *amended to read:*

22 11834.50. The department shall adopt regulations to implement  
 23 this chapter in accordance with the purposes required by Section  
 24 11835. These regulations shall be adopted only after consultation  
 25 with appropriate groups affected by the proposed regulations. The  
 26 regulations shall include, but not be limited to, all of the following:

27 (a) Provision for a formal appeal process for the denial,  
 28 suspension, or revocation of a license.

29 (b) Establishment of requirements for compliance, procedures  
 30 for issuance of deficiency notices and civil penalties for  
 31 noncompliance.

32 (c) Provision for the issuance of a waiver for an alcoholism or  
 33 drug abuse recovery or treatment facility to serve not more than  
 34 three adolescents, or 10 percent of the total licensed capacity,  
 35 whichever is less, age 14 years and older, when a need exists and  
 36 services specific to adolescents are otherwise unavailable. The  
 37 regulations shall specify the procedures and criteria for granting  
 38 the waiver. The procedures shall include, but not be limited to,  
 39 criminal record reviews and fingerprinting.

1 (d) Establishment of the elements and minimum requirements  
2 for recovery, treatment, ~~and~~ detoxification, *and recovery*  
3 *maintenance* services.

4 (e) Provision for an expedited process for reviewing an  
5 application for licensure when a license is terminated pursuant to  
6 subdivision (c) of Section 11834.40.

7 SECTION 1. ~~Section 11834.255 is added to the Health and~~  
8 ~~Safety Code, to read:~~

9 11834.255. (a) ~~The purpose of this section is to provide a~~  
10 ~~definition of a “sober living home” so as to give both those~~  
11 ~~purporting to operate these facilities and local code and law~~  
12 ~~enforcement agencies the ability to determine whether residences~~  
13 ~~housing former drug and alcohol abusers are exempt from local~~  
14 ~~regulation or exercise of local police powers. A sober living home,~~  
15 ~~as defined in this section, shall be exempt from licensure under~~  
16 ~~Chapter 7.5 (commencing with Section 11834.01).~~

17 (b) ~~For purposes of this chapter, “sober living home” means a~~  
18 ~~residential property that is operated as a cooperative living~~  
19 ~~arrangement to provide an alcohol- and drug-free environment for~~  
20 ~~persons recovering from alcoholism or drug abuse, or both, who~~  
21 ~~seek a living environment in which to remain clean and sober, and~~  
22 ~~that satisfies all of the following requirements:~~

23 (1) ~~Residents of the facility, including live-in managers,~~  
24 ~~operators, or owners, are living a sober lifestyle.~~

25 (2) ~~Residents actively participate in legitimate recovery~~  
26 ~~programs, including, but not limited to, outpatient treatment,~~  
27 ~~12-step recovery, and other recognized programs of recovery, and~~  
28 ~~maintain current records of meeting attendance.~~

29 (3) ~~Owners, managers, operators, and residents observe and~~  
30 ~~promote a zero-tolerance policy regarding the consumption or~~  
31 ~~possession of alcohol or controlled substances, except for~~  
32 ~~prescription medications obtained and used as prescribed by a~~  
33 ~~medical professional. The observation and promotion of this policy~~  
34 ~~may take into account demonstrable efforts made by residents to~~  
35 ~~respond to, and prevent additional violations of, the policy.~~

36 (4) ~~Owners, managers, operators, and residents do not provide~~  
37 ~~onsite any of the following services, as they are defined in~~  
38 ~~subdivision (a) of Section 10501 of Title 9 of the California Code~~  
39 ~~of Regulations:~~

40 (A) ~~Detoxification.~~

- 1     ~~(B) Educational counseling.~~
- 2     ~~(C) Individual or group counseling sessions.~~
- 3     ~~(D) Treatment or recovery planning.~~
- 4     ~~(5) The number of residents who are subject to the sex offender~~  
5 ~~registration requirements of Section 290 of the Penal Code does~~  
6 ~~not exceed the limit set forth in Section 3003.5 of the Penal Code~~  
7 ~~and does not violate the distance provisions set forth in Section~~  
8 ~~3003 of the Penal Code.~~
- 9     ~~(6) Residents do not require nonmedical care or supervision, as~~  
10 ~~those terms are defined in Section 1503.5 and in Title 22 of the~~  
11 ~~California Code of Regulations.~~
- 12     ~~(7) Owners, managers, operators, and residents ensure that the~~  
13 ~~property and its use comply with applicable state and local law.~~
- 14     ~~(e) A residence housing individuals purporting to be recovering~~  
15 ~~from drug and alcohol abuse shall be presumed to be a sober living~~  
16 ~~home if the residence has been certified, registered, or approved~~  
17 ~~by a recognized nonprofit organization that provides a credible~~  
18 ~~quality assurance service for applicants or members. The~~  
19 ~~recognized nonprofit organization should establish minimum~~  
20 ~~standards for protocols to address suspected drug and alcohol~~  
21 ~~abuse, protocols to report the death of a resident, and basic first~~  
22 ~~aid and CPR training.~~
- 23     ~~(d) This section shall not be construed to prohibit minor children~~  
24 ~~who are dependents of a resident of the facility from also residing~~  
25 ~~in the facility.~~