

7054--A

Cal. No. 266

2015-2016 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. ROSENTHAL, DenDEKKER, CRESPO, McDONALD, DAVILA, BARRON -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Alcoholism and Drug Abuse -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the mental hygiene law, in relation to establishing the sober living task force; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The mental hygiene law is amended by adding a new section
2 19.04 to read as follows:
3 S 19.04 SOBER LIVING TASK FORCE.
4 1. DEFINITIONS. AS USED IN THIS SECTION:
5 (A) "SOBER LIVING RESIDENCE" SHALL MEAN ANY RESIDENCE LOCATED IN NEW
6 YORK STATE WHERE THE OWNER OR OPERATOR OF SUCH RESIDENCE HOLDS THE RESI-
7 DENCE OUT TO THE PUBLIC AS AN ALCOHOL AND DRUG FREE LIVING ENVIRONMENT
8 FOR PERSONS RECOVERING FROM A CHEMICAL DEPENDENCY, WHERE NO FORMAL
9 TREATMENT SERVICES ARE PROVIDED ON-SITE.
10 (B) "SOBER LIVING NETWORK" SHALL MEAN A GROUP OF INDEPENDENTLY OPER-
11 ATED AND SELF-REGULATED SOBER LIVING RESIDENCES LOCATED IN NEW YORK
12 STATE WHICH COMPLY WITH THE GUIDELINES ISSUED PURSUANT TO THIS SECTION.
13 2. THE SOBER LIVING TASK FORCE IS HEREBY CREATED, WHICH PURSUANT TO
14 THE PROVISIONS OF THIS SECTION, SHALL ESTABLISH BEST PRACTICE GUIDELINES
15 FOR SOBER LIVING RESIDENCES THAT ILLUSTRATE THE MOST APPROPRIATE AND
16 EFFECTIVE ENVIRONMENT FOR PERSONS RECOVERING FROM A CHEMICAL DEPENDENCY.
17 3. THE TASK FORCE SHALL UTILIZE INFORMATION COLLECTED FROM ORGANIZA-
18 TIONS AND PROGRAMS BOTH IN NEW YORK STATE AND THROUGHOUT THE COUNTRY TO:
19 (A) ISSUE RECOMMENDATIONS AND GUIDELINES ESTABLISHING BEST PRACTICES
20 FOR SOBER LIVING RESIDENCES TO PROVIDE AN ALCOHOL AND DRUG FREE SOBER
21 LIVING ENVIRONMENT;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (B) DEVELOP A PLAN TO ESTABLISH A STATEWIDE SOBER LIVING NETWORK AS
2 DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION; AND

3 (C) IDENTIFY BARRIERS FOR INDIVIDUALS TO ACCESS RECOVERY SERVICES,
4 RESIDENTIAL TREATMENT FOR CHEMICAL DEPENDENCY AND APPROPRIATE HOUSING
5 WHERE INDIVIDUALS ARE PROVIDED AN ALCOHOL AND DRUG FREE LIVING ENVIRON-
6 MENT.

7 4. (A) THE MEMBERS OF THE TASK FORCE SHALL INCLUDE THE COMMISSIONER OF
8 THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES OR HIS OR HER
9 DESIGNEE; THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH OR HIS OR HER
10 DESIGNEE; THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY
11 ASSISTANCE OR HIS OR HER DESIGNEE; THE COMMISSIONER OF THE OFFICE OF
12 HOMES AND COMMUNITY RENEWAL OR HIS OR HER DESIGNEE; ONE REPRESENTATIVE
13 OF THE NEW YORK STATE LOCAL MENTAL HYGIENE DIRECTORS; AT LEAST TWO
14 REPRESENTATIVES OF REPUTABLE OWNERS OR OPERATORS OF A RESIDENCE WHICH
15 CURRENTLY PROVIDES ALCOHOL AND DRUG FREE HOUSING FOR PERSONS IN RECOVERY
16 WHERE NO FORMAL TREATMENT SERVICES ARE PROVIDED ON-SITE; AT LEAST TWO
17 REPRESENTATIVES OF CHEMICAL DEPENDENCE RESIDENTIAL TREATMENT PROVIDERS
18 LICENSED BY THE OFFICE; AT LEAST ONE REPRESENTATIVE WHO IS NOT A PROVID-
19 ER OF CHEMICAL DEPENDENCE OR MENTAL HEALTH SERVICES AND WHO REPRESENT
20 NON-GOVERNMENTAL ORGANIZATIONS, SUCH AS NOT-FOR-PROFIT ENTITIES OR OTHER
21 ORGANIZATIONS CONCERNED WITH THE PROVISION OF HOUSING AND RECOVERY
22 SERVICES; AND ANY OTHER RELEVANT AGENCY OR PARTICIPANT THAT IS DEEMED
23 APPROPRIATE. THE COMMISSIONER SHALL BE DESIGNATED AS THE CHAIRPERSON OF
24 SUCH TASK FORCE AND SHALL SELECT A VICE-CHAIRPERSON AND A SECRETARY.
25 PRIOR TO THE FIRST MEETING OF THE TASK FORCE, IN CONSULTATION WITH THE
26 STATE AGENCY MEMBERS OF SUCH TASK FORCE, THE CHAIRPERSON SHALL SELECT UP
27 TO EIGHT ADDITIONAL MEMBERS WHOM SHALL BE REPRESENTATIVES OF LOCAL
28 GOVERNMENT AGENCIES IN NEW YORK STATE WHERE THE NEED FOR ALCOHOL AND
29 DRUG FREE HOUSING IS MOST PREVALENT.

30 (B) THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR
31 SERVICES BUT SHALL BE REIMBURSED FOR EXPENSES ACTUALLY AND NECESSARILY
32 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

33 (C) NO CIVIL ACTION SHALL BE BROUGHT IN ANY COURT AGAINST ANY MEMBER
34 OF THE SOBER LIVING TASK FORCE FOR ANY ACT OR OMISSION NECESSARY TO THE
35 DISCHARGE OF HIS OR HER DUTIES AS A MEMBER OF THE TASK FORCE, EXCEPT AS
36 PROVIDED HEREIN. SUCH MEMBER MAY BE LIABLE FOR DAMAGES IN ANY SUCH
37 ACTION IF HE OR SHE FAILED TO ACT IN GOOD FAITH AND EXERCISE REASONABLE
38 CARE. ANY INFORMATION OBTAINED BY A MEMBER OF THE TASK FORCE WHILE
39 CARRYING OUT HIS OR HER LIMITED DUTIES AS PRESCRIBED IN SUBDIVISION
40 THREE OF THIS SECTION SHALL ONLY BE UTILIZED IN THEIR CAPACITY AS A
41 MEMBER OF THE TASK FORCE.

42 5. NO LATER THAN DECEMBER THIRTY-FIRST IN THE YEAR FOLLOWING THE
43 EFFECTIVE DATE OF THIS SECTION THE TASK FORCE SHALL PROVIDE A REPORT TO
44 THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE
45 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE ASSEM-
46 BLY, AND THE CHAIRMAN OF THE APPROPRIATE LEGISLATIVE COMMITTEES. SUCH
47 REPORT SHALL INCLUDE BUT NOT BE LIMITED TO THE BEST PRACTICES ESTAB-
48 LISHED FOR SOBER LIVING RESIDENCES; A DESCRIPTION OF THE PLAN THAT
49 ESTABLISHES A STATEWIDE SOBER LIVING NETWORK; RECOMMENDATIONS BY THE
50 TASK FORCE TO REDUCE ACCESS BARRIERS FOR INDIVIDUALS SEEKING RESIDENTIAL
51 TREATMENT FOR CHEMICAL DEPENDENCY; AND RECOMMENDATIONS FOR ANY OTHER
52 PROGRAM OR POLICY INITIATIVE THE TASK FORCE DEEMS APPROPRIATE. THE
53 REPORT SHALL BE POSTED ON THE WEBSITES OF THE APPROPRIATE AGENCIES.

54 S 2. This act shall take effect on the thirtieth day after it shall
55 have become a law and shall expire and be deemed repealed one year after
56 such effective date.