

3989

2015-2016 Regular Sessions

I N   S E N A T E

February 25, 2015

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Introduced by Sen. CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to the creation of a sober living task force

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     "SOBER LIVING RESIDENCE" SHALL MEAN ANY RESIDENCE LOCATED IN NEW YORK  
6     STATE WHERE THE OWNER OR OPERATOR OF SUCH RESIDENCE HOLDS THE RESIDENCE  
7     OUT TO THE PUBLIC AS AN ALCOHOL AND DRUG FREE LIVING ENVIRONMENT FOR  
8     PERSONS RECOVERING FROM A CHEMICAL DEPENDENCY, WHERE NO FORMAL TREATMENT  
9     SERVICES ARE PROVIDED ON-SITE.  
10    2. THE SOBER LIVING TASK FORCE IS HEREBY CREATED, WHICH PURSUANT TO  
11    THE PROVISIONS OF THIS SECTION, SHALL ESTABLISH BEST PRACTICE GUIDELINES  
12    FOR SOBER LIVING RESIDENCES THAT ILLUSTRATE THE MOST APPROPRIATE AND  
13    EFFECTIVE ENVIRONMENT FOR PERSONS RECOVERING FROM A CHEMICAL DEPENDENCY.  
14    3. THE TASK FORCE SHALL STUDY AND UTILIZE RELIABLE EVIDENCE AND INFOR-  
15    MATION COLLECTED FROM ORGANIZATIONS AND PROGRAMS BOTH IN NEW YORK STATE  
16    AND THROUGHOUT THE COUNTRY TO:  
17    (A) DOCUMENT THE NUMBER OF SOBER HOMES OPERATING IN THE STATE;  
18    (B) ISSUE RECOMMENDATIONS AND GUIDELINES ESTABLISHING BEST PRACTICES  
19    FOR SOBER LIVING RESIDENCES IN ORDER TO PROVIDE AN ALCOHOL AND DRUG FREE  
20    SOBER LIVING ENVIRONMENT, WITH A FOCUS ON LEAST RESTRICTIVE MEANS OF  
21    BENEFITING THE PERSON IN RECOVERY;  
22    (C) STUDY AND ISSUE FINDINGS REGARDING HEALTH AND SAFETY CONCERNS  
23    RELATED TO THE OCCUPANCY AND OPERATION OF SOBER LIVING RESIDENCES FOR  
24    THE PERSON IN RECOVERY;

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

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1 (D) STUDY AND ISSUE FINDINGS REGARDING THE IMPACTS OF OCCUPANCY AND  
2 OPERATION OF SOBER LIVING RESIDENCES ON NEIGHBORHOODS AND SURROUNDING  
3 AREAS;

4 (E) ISSUE RECOMMENDATIONS ON THE FEASIBILITY OF LICENSING, REGULATING,  
5 REGISTERING OR CERTIFYING SOBER LIVING RESIDENCES IN NEW YORK STATE; AND

6 (F) ISSUE RECOMMENDATIONS FOR ANY OTHER PROGRAM OR POLICY INITIATIVE  
7 THAT THE TASK FORCE DEEMS RELEVANT.

8 4. (A) THE MEMBERS OF THE TASK FORCE SHALL INCLUDE THE COMMISSIONER OR  
9 HIS OR HER DESIGNEE; THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH OR  
10 HIS OR HER DESIGNEE; THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND  
11 DISABILITY ASSISTANCE OR HIS OR HER DESIGNEE; THE COMMISSIONER OF THE  
12 OFFICE OF HOMES AND COMMUNITY RENEWAL OR HIS OR HER DESIGNEE; TWO  
13 MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; TWO MEMBERS  
14 APPOINTED BY THE SPEAKER OF THE ASSEMBLY; AND TWO MEMBERS APPOINTED BY  
15 THE GOVERNOR. THE COMMISSIONER SHALL BE DESIGNATED THE CHAIRPERSON OF  
16 SUCH TASK FORCE AND SHALL SELECT A VICE-CHAIRPERSON AND A SECRETARY FROM  
17 THE DESIGNEES APPOINTED BY THE LEGISLATURE OR THE GOVERNOR;

18 (B) THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR  
19 THEIR SERVICES BUT SHALL BE REIMBURSED FOR EXPENSES ACTUALLY AND NECES-  
20 SARIALLY INCURRED IN THE PERFORMANCE OF THEIR DUTIES;

21 (C) NO CIVIL ACTION SHALL BE BROUGHT IN ANY COURT AGAINST ANY MEMBER  
22 OF THE SOBER LIVING TASK FORCE FOR ANY ACT OR OMISSION NECESSARY TO THE  
23 DISCHARGE OF HIS OR HER DUTIES AS A MEMBER OF THE TASK FORCE, EXCEPT AS  
24 PROVIDED HEREIN. SUCH MEMBER MAY BE LIABLE FOR DAMAGES IN ANY SUCH  
25 ACTION IF HE OR SHE FAILED TO ACT IN GOOD FAITH AND EXERCISE REASONABLE  
26 CARE. ANY INFORMATION OBTAINED BY A MEMBER OF THE TASK FORCE WHILE  
27 CARRYING OUT HIS OR HER DUTIES AS PRESCRIBED IN SUBDIVISION THREE OF  
28 THIS SECTION SHALL ONLY BE UTILIZED IN THEIR CAPACITY AS A MEMBER OF THE  
29 TASK FORCE.

30 5. NO LATER THAN DECEMBER FIRST, TWO THOUSAND FIFTEEN, THE TASK FORCE  
31 SHALL PROVIDE A REPORT CONTAINING THE RESULTS OF THE STUDY, INCLUDING  
32 EVIDENCE USED AS A BASIS IN MAKING SUCH REPORT, AND ITS RECOMMENDATIONS,  
33 IF ANY, TOGETHER WITH DRAFTS OF LEGISLATION NECESSARY TO CARRY OUT ITS  
34 RECOMMENDATIONS BY FILING SAID REPORT, DOCUMENTATION, AND DRAFT LEGIS-  
35 LATION, WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
36 MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE  
37 MINORITY LEADER OF THE ASSEMBLY. THE TASK FORCE SHALL ALSO MAKE THE  
38 REPORT, DOCUMENTATION, AND DRAFT LEGISLATION PUBLIC BY POSTING A COPY ON  
39 THE WEBSITE MAINTAINED BY THE OFFICE.

40 S 2. This act shall take effect immediately.