

3989--A

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I N S E N A T E

February 25, 2015

Introduced by Sens. CROCI, BOYLE, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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;

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

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1 (C) STUDY AND ISSUE FINDINGS REGARDING HEALTH AND SAFETY CONCERNS  
2 RELATED TO THE OCCUPANCY AND OPERATION OF SOBER LIVING RESIDENCES FOR  
3 THE PERSON IN RECOVERY;

4 (D) STUDY AND ISSUE FINDINGS REGARDING THE IMPACTS OF OCCUPANCY AND  
5 OPERATION OF SOBER LIVING RESIDENCES ON NEIGHBORHOODS AND SURROUNDING  
6 AREAS;

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

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

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

21 (B) THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR  
22 THEIR SERVICES BUT SHALL BE REIMBURSED FOR EXPENSES ACTUALLY AND NECES-  
23 SARIPLY INCURRED IN THE PERFORMANCE OF THEIR DUTIES;

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

33 5. NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,  
34 THE TASK FORCE SHALL PROVIDE A REPORT CONTAINING THE RESULTS OF THE  
35 STUDY, INCLUDING EVIDENCE USED AS A BASIS IN MAKING SUCH REPORT, AND ITS  
36 RECOMMENDATIONS, IF ANY, TOGETHER WITH DRAFTS OF LEGISLATION NECESSARY  
37 TO CARRY OUT ITS RECOMMENDATIONS BY FILING SAID REPORT, DOCUMENTATION,  
38 AND DRAFT LEGISLATION, WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE  
39 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY,  
40 AND THE MINORITY LEADER OF THE ASSEMBLY. THE TASK FORCE SHALL ALSO MAKE  
41 THE REPORT, DOCUMENTATION, AND DRAFT LEGISLATION PUBLIC BY POSTING A  
42 COPY ON THE WEBSITE MAINTAINED BY THE OFFICE.

43 S 2. This act shall take effect immediately.