

5463--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD10587-05-6

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

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

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

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

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

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