S T A T E O F N E W Y O R K

7054--A

Cal. No. 266

2015-2016 Regular Sessions

I N A S S E M B L Y

April 22, 2015

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:

Section 1. The mental hygiene law is amended by adding a new section 19.04 to read as follows:

S 19.04 SOBER LIVING TASK FORCE.

1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "SOBER LIVING RESIDENCE" SHALL MEAN ANY RESIDENCE LOCATED IN NEW YORK STATE WHERE THE OWNER OR OPERATOR OF SUCH RESIDENCE HOLDS THE RESIDENCE OUT TO THE PUBLIC AS AN ALCOHOL AND DRUG FREE LIVING ENVIRONMENT FOR PERSONS RECOVERING FROM A CHEMICAL DEPENDENCY, WHERE NO FORMAL TREATMENT SERVICES ARE PROVIDED ON-SITE.

(B) "SOBER LIVING NETWORK" SHALL MEAN A GROUP OF INDEPENDENTLY OPERATED AND SELF-REGULATED SOBER LIVING RESIDENCES LOCATED IN NEW YORK STATE WHICH COMPLY WITH THE GUIDELINES ISSUED PURSUANT TO THIS SECTION.

2. THE SOBER LIVING TASK FORCE IS HEREBY CREATED, WHICH PURSUANT TO THE PROVISIONS OF THIS SECTION, SHALL ESTABLISH BEST PRACTICE GUIDELINES FOR SOBER LIVING RESIDENCES THAT ILLUSTRATE THE MOST APPROPRIATE AND EFFECTIVE ENVIRONMENT FOR PERSONS RECOVERING FROM A CHEMICAL DEPENDENCY.

3. THE TASK FORCE SHALL UTILIZE INFORMATION COLLECTED FROM ORGANIZATIONS AND PROGRAMS BOTH IN NEW YORK STATE AND THROUGHOUT THE COUNTRY TO:

(A) ISSUE RECOMMENDATIONS AND GUIDELINES ESTABLISHING BEST PRACTICES FOR SOBER LIVING RESIDENCES TO PROVIDE AN ALCOHOL AND DRUG FREE SOBER LIVING ENVIRONMENT;

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

LBD10587-04-6

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

(C) IDENTIFY BARRIERS FOR INDIVIDUALS TO ACCESS RECOVERY SERVICES, RESIDENTIAL TREATMENT FOR CHEMICAL DEPENDENCY AND APPROPRIATE HOUSING WHERE INDIVIDUALS ARE PROVIDED AN ALCOHOL AND DRUG FREE LIVING ENVIRONMENT.

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

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

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

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

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