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

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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:

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:

"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.

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 STUDY AND UTILIZE RELIABLE EVIDENCE AND INFORMATION COLLECTED FROM ORGANIZATIONS AND PROGRAMS BOTH IN NEW YORK STATE AND THROUGHOUT THE COUNTRY TO:

(A) DOCUMENT THE NUMBER OF SOBER HOMES OPERATING IN THE STATE;

(B) ISSUE RECOMMENDATIONS AND GUIDELINES ESTABLISHING BEST PRACTICES FOR SOBER LIVING RESIDENCES IN ORDER TO PROVIDE AN ALCOHOL AND DRUG FREE SOBER LIVING ENVIRONMENT, WITH A FOCUS ON LEAST RESTRICTIVE MEANS OF 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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(C) STUDY AND ISSUE FINDINGS REGARDING HEALTH AND SAFETY CONCERNS RELATED TO THE OCCUPANCY AND OPERATION OF SOBER LIVING RESIDENCES FOR THE PERSON IN RECOVERY;

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

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

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

4. (A) THE MEMBERS OF THE TASK FORCE SHALL INCLUDE THE COMMISSIONER 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; TWO MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; TWO MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY; AND TWO MEMBERS APPOINTED BY THE GOVERNOR. THE COMMISSIONER SHALL BE DESIGNATED THE CHAIRPERSON OF SUCH TASK FORCE AND SHALL SELECT A VICE-CHAIRPERSON AND A SECRETARY FROM THE DESIGNEES APPOINTED BY THE LEGISLATURE OR THE GOVERNOR;

(B) THE MEMBERS OF THE TASK FORCE 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 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 ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE TASK FORCE SHALL PROVIDE A REPORT CONTAINING THE RESULTS OF THE STUDY, INCLUDING EVIDENCE USED AS A BASIS IN MAKING SUCH REPORT, AND ITS RECOMMENDATIONS, IF ANY, TOGETHER WITH DRAFTS OF LEGISLATION NECESSARY TO CARRY OUT ITS RECOMMENDATIONS BY FILING SAID REPORT, DOCUMENTATION, AND DRAFT LEGISLATION, WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE MINORITY LEADER OF THE ASSEMBLY. THE TASK FORCE SHALL ALSO MAKE THE REPORT, DOCUMENTATION, AND DRAFT LEGISLATION PUBLIC BY POSTING A COPY ON THE WEBSITE MAINTAINED BY THE OFFICE.

S 2. This act shall take effect immediately.