

# STATE OF NEW YORK

2681

2019-2020 Regular Sessions

## IN SENATE

January 28, 2019

Introduced by Sens. MAYER, BROOKS, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

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:

§ 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;

(b) Develop a plan to establish a statewide sober living network as 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.

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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 § 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 two years  
54 after such effective date.