

STATE OF NEW YORK

4496

2019-2020 Regular Sessions

IN SENATE

March 13, 2019

Introduced by Sen. MARTINEZ -- 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 the creation of a recovery 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 § 19.04 Recovery living task force.

4 1. Definitions. As used in this section:

5 "Recovery 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 2. The recovery living task force is hereby created, which pursuant to
11 the provisions of this section, shall establish best practice guidelines
12 for recovery 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 recovery homes operating in the state;

18 (b) Issue recommendations and guidelines establishing best practices
19 for recovery living residences in order to provide an alcohol and drug
20 free recovery living environment, with a focus on least restrictive
21 means of benefiting the person in recovery;

22 (c) Study and issue findings regarding health and safety concerns
23 related to the occupancy and operation of recovery living residences for
24 the person in recovery;

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

LBD10577-01-9

1 (d) Study and issue findings regarding the impacts of occupancy and
2 operation of recovery living residences on neighborhoods and surrounding
3 areas;

4 (e) Issue recommendations on the feasibility of licensing, regulating,
5 registering or certifying recovery living residences in New York state;
6 and

7 (f) Issue recommendations for any other program or policy initiative
8 that the task force deems relevant.

9 4. (a) The members of the task force shall include the commissioner or
10 his or her designee; the commissioner of the office of mental health or
11 his or her designee; the commissioner of the office of temporary and
12 disability assistance or his or her designee; the commissioner of the
13 office of homes and community renewal or his or her designee; two
14 members appointed by the temporary president of the senate; two members
15 appointed by the speaker of the assembly; and two members appointed by
16 the governor. The commissioner shall be designated the chairperson of
17 such task force and shall select a vice-chairperson and a secretary from
18 the designees appointed by the legislature or the governor;

19 (b) The members of the task force shall receive no compensation for
20 their services but shall be reimbursed for expenses actually and neces-
21 sarily incurred in the performance of their duties;

22 (c) No civil action shall be brought in any court against any member
23 of the recovery living task force for any act or omission necessary to
24 the discharge of his or her duties as a member of the task force, except
25 as provided herein. Such member may be liable for damages in any such
26 action if he or she failed to act in good faith and exercise reasonable
27 care. Any information obtained by a member of the task force while
28 carrying out his or her duties as prescribed in subdivision three of
29 this section shall only be utilized in their capacity as a member of the
30 task force.

31 5. No later than one year after the effective date of this section,
32 the task force shall provide a report containing the results of the
33 study, including evidence used as a basis in making such report, and its
34 recommendations, if any, together with drafts of legislation necessary
35 to carry out its recommendations by filing said report, documentation,
36 and draft legislation, with the governor, the temporary president of the
37 senate, the minority leader of the senate, the speaker of the assembly,
38 and the minority leader of the assembly. The task force shall also make
39 the report, documentation, and draft legislation public by posting a
40 copy on the website maintained by the office.

41 § 2. This act shall take effect immediately.