

# STATE OF NEW YORK

4496--A

2019-2020 Regular Sessions

## IN SENATE

March 13, 2019

Introduced by Sens. MARTINEZ, MAYER, GAUGHRAN, KAPLAN, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance 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 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 residences 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. In developing guidelines,

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

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1 the task force shall consider the role of local and state government in  
2 oversight and other areas; siting challenges; geographic variations in  
3 what housing currently exists and in barriers to creating new suitable  
4 housing; optimal standards for living space, privacy and nutrition;  
5 personal financial participation by tenants; work requirements, includ-  
6 ing adequacy of compensation; reimbursement opportunities; discharge  
7 planning, the participant's legal protections against removal from the  
8 residence; what information must be provided to the participant at  
9 admission, including due process rights of the participant for removal  
10 from the residence; appropriate responses to relapse with the goal of  
11 protecting both the person who has relapsed and other residents of the  
12 residence; how to ensure access to medication assisted treatment; the  
13 needs of women, and of women with children; the use of drug testing; and  
14 options and requirements for formal or self-help treatment services;

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

18 (d) Study and issue findings regarding the impacts of occupancy and  
19 operation of recovery living residences on neighborhoods and surrounding  
20 areas;

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

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

26 4. (a) The members of the task force shall include ten members  
27 consisting of the commissioner or his or her designee; the commissioner  
28 of the office of mental health or his or her designee; the commissioner  
29 of the office of temporary and disability assistance or his or her  
30 designee; the commissioner of the office of homes and community renewal  
31 or his or her designee; two members appointed by the temporary president  
32 of the senate, at least one of whom shall be a current or former resi-  
33 dent of a recovery living residence; two members appointed by the speak-  
34 er of the assembly, at least one of whom shall be a current or former  
35 resident of a recovery living residence; and two members appointed by  
36 the governor. The task force shall include at least one operator of a  
37 recovery living residence with at least five years of experience in the  
38 field who must demonstrate, to the extent practicable, that the resi-  
39 dences they operate have had minimal code violations within the preced-  
40 ing three years. Appointments must ensure geographic representation, to  
41 the extent practicable. The commissioner shall be designated the chair-  
42 person of such task force and shall select a vice-chairperson and a  
43 secretary from the designees appointed by the legislature or the gover-  
44 nor;

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

48 (c) No civil action shall be brought in any court against any member  
49 of the recovery living task force for any act or omission necessary to  
50 the discharge of his or her duties as a member of the task force, except  
51 as provided herein. Such member may be liable for damages in any such  
52 action if he or she failed to act in good faith and exercise reasonable  
53 care. Any information obtained by a member of the task force while  
54 carrying out his or her duties as prescribed in subdivision three of  
55 this section shall only be utilized in their capacity as a member of the  
56 task force.

1 5. No later than one year after the effective date of this section,  
2 the task force shall provide a report containing the results of the  
3 study, including evidence used as a basis in making such report, and its  
4 recommendations, if any, together with drafts of legislation necessary  
5 to carry out its recommendations by filing said report, documentation,  
6 and draft legislation, with the governor, the temporary president of the  
7 senate, the minority leader of the senate, the speaker of the assembly,  
8 and the minority leader of the assembly. The task force shall also make  
9 the report, documentation, and draft legislation public by posting a  
10 copy on the website maintained by the office.  
11 § 2. This act shall take effect immediately.