STATE OF NEW YORK

9246

IN ASSEMBLY

February 22, 2024

Introduced by M. of A. SLATER -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to the creation of a certified recovery residences task force

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 32.05-a of the mental hygiene law is amended by adding a new subdivision 5 to read as follows:

5. The certified recovery residences task force is hereby created, which pursuant to the provisions of this subdivision, shall establish best practice guidelines for certified recovery living residences that illustrate the most appropriate and effective environment for persons recovering from a chemical dependency.

(a) 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:

(i) Document the number of certified recovery residences operating in the state;

(ii) Issue recommendations and guidelines establishing best practices for certified recovery living residences in order to provide an alcohol and drug free recovery living environment, with a focus on least restrictive means of benefiting the person in recovery. In developing guidelines, the task force shall consider the role of local and state government in oversight and other areas; siting challenges; geographic variations in what housing currently exists and in barriers to creating new suitable housing; optimal standards for living space, privacy and nutrition; personal financial participation by tenants; work requirements, including adequacy of compensation; reimbursement opportunities; discharge planning, the participant's legal protections against removal from the residence; what information must be provided to the participant at admission, including due process rights of the participant for removal from the residence; appropriate responses to relapse with the goal of protecting both the person who has relapsed and other residents of the residence; how to ensure access to medication assisted treatment;

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

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the needs of women, and of women with children; the use of drug testing; and options and requirements for formal or self-help treatment services;

(iii) Study and issue findings regarding health and safety concerns related to the occupancy and operation of certified recovery living residences for the person in recovery;

(iv) Study and issue findings regarding the impacts of occupancy and operation of certified recovery living residences on neighborhoods and surrounding areas;

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

(b) The members of the task force shall include thirteen members consisting of the commissioner or his or her designee serving ex officio; the commissioner of the office of mental health or his or her designee serving ex officio; the commissioner of the office of temporary and disability assistance or his or her designee serving ex officio; the commissioner of the office of homes and community renewal or his or her designee serving ex officio; two members appointed by the temporary president of the senate; one member appointed by the minority leader of the senate; two members appointed by the speaker of the assembly; one member appointed by the minority leader of the assembly; and three members appointed by the governor, one of whom shall be an operator of a certified recovery living residence with demonstrated experience in the field and who must demonstrate, to the extent practicable, that the residences they operate, certified or otherwise, have had minimal code violations within the preceding three years. Appointments must ensure geographic representation, to the extent practicable. 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.

(i) 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.

(ii) No civil action shall be brought in any court against any member of the recovery 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 paragraph (a) of this subdivision shall only be utilized in their capacity as a member of the task force.

(c) No later than one year after the effective date of this subdivision, 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, to 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 public by posting a copy on the website maintained by the office.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.