

# STATE OF NEW YORK

3349--A

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- 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 certified recovery residences task force

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

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

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

8 (a) The task force shall study and utilize reliable evidence and  
9 information collected from organizations and programs both in New York  
10 state and throughout the country to:

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

13 (ii) Issue recommendations and guidelines establishing best practices  
14 for certified recovery living residences in order to provide an alcohol  
15 and drug free recovery living environment, with a focus on least  
16 restrictive means of benefiting the person in recovery. In developing  
17 guidelines, the task force shall consider the role of local and state  
18 government in oversight and other areas; siting challenges; geographic  
19 variations in what housing currently exists and in barriers to creating  
20 new suitable housing; optimal standards for living space, privacy and  
21 nutrition; personal financial participation by tenants; work require-  
22 ments, including adequacy of compensation; reimbursement opportunities;  
23 discharge planning, the participant's legal protections against removal  
24 from the residence; what information must be provided to the participant  
25 at admission, including due process rights of the participant for  
26 removal from the residence; appropriate responses to relapse with the

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

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1 goal of protecting both the person who has relapsed and other residents  
2 of the residence; how to ensure access to medication assisted treatment;  
3 the needs of women, and of women with children; the use of drug testing;  
4 and options and requirements for formal or self-help treatment services;

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

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

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

13 (b) The members of the task force shall include thirteen members  
14 consisting of the commissioner or his or her designee serving ex offi-  
15 cio; the commissioner of the office of mental health or his or her  
16 designee serving ex officio; the commissioner of the office of temporary  
17 and disability assistance or his or her designee serving ex officio; the  
18 commissioner of the office of homes and community renewal or his or her  
19 designee serving ex officio; two members appointed by the temporary  
20 president of the senate; one member appointed by the minority leader of  
21 the senate; two members appointed by the speaker of the assembly; one  
22 member appointed by the minority leader of the assembly; and three  
23 members appointed by the governor, one of whom shall be an operator of a  
24 certified recovery living residence with demonstrated experience in the  
25 field and who must demonstrate, to the extent practicable, that the  
26 residences they operate, certified or otherwise, have had minimal code  
27 violations within the preceding three years. Appointments must ensure  
28 geographic representation, to the extent practicable. The commissioner  
29 shall be designated the chairperson of such task force and shall select  
30 a vice-chairperson and a secretary from the designees appointed by the  
31 legislature or the governor.

32 (i) The members of the task force shall receive no compensation for  
33 their services but shall be reimbursed for expenses actually and neces-  
34 sarily incurred in the performance of their duties.

35 (ii) No civil action shall be brought in any court against any member  
36 of the recovery living task force for any act or omission necessary to  
37 the discharge of his or her duties as a member of the task force, except  
38 as provided herein. Such member may be liable for damages in any such  
39 action if he or she failed to act in good faith and exercise reasonable  
40 care. Any information obtained by a member of the task force while  
41 carrying out his or her duties as prescribed in paragraph (a) of this  
42 subdivision shall only be utilized in their capacity as a member of the  
43 task force.

44 (c) No later than one year after the effective date of this subdivi-  
45 sion, the task force shall provide a report containing the results of  
46 the study, including evidence used as a basis in making such report, and  
47 its recommendations, to the governor, the temporary president of the  
48 senate, the minority leader of the senate, the speaker of the assembly,  
49 and the minority leader of the assembly. The task force shall also make  
50 the report public by posting a copy on the website maintained by the  
51 office.

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