

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.