

Amendment to SB 298-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to certification of recovery residences.

4

5 Amend the bill by replacing all after the enacting clause with the following:

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7 1 New Paragraph; Alcoholism and Alcohol Abuse; Definitions. Amend RSA 172-B:1 by inserting
8 after paragraph XIII the following new paragraph:

9 XIII-a. "Recovery residence" means a home-like environment for individuals recovering from
10 substance use disorder that provides an alcohol-free and drug-free living environment or any
11 business holding themselves out as recovery housing, sober living, or a recovery residence.

12 2 Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment. Amend RSA
13 172-B:2, V-VII to read as follows:

14 V.(a) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to establishing
15 and providing for the administration of a [~~voluntary registration~~] **certification** program for
16 operators of [~~certified~~] recovery **residences** [~~housing seeking registration~~] in the state of New
17 Hampshire. The rules developed for the administration of the [~~registration~~] **certification** program
18 shall include:

19 (1) A process for receiving complaints against certified recovery **residences** [~~housing~~
20 ~~operators~~].

21 (2) **A process for** certification by a certifying entity designated by the commissioner
22 that is based on nationally recognized standards including, but not limited to, documents to show the
23 recovery [~~house~~] **residence** meets minimum safety and recovery standards including, but not limited
24 to health, building, zoning, and fire inspection approvals, proof of insurance, resident agreement,
25 emergency procedures, and policies and procedures addressing grievances, non-discrimination, code
26 of ethics, and safe storage of medication.

27 (3) Criteria by which the department may **revoke certification of** [~~exclude~~] a
28 residence [~~from the list~~] if the frequency or severity of complaints received supports a determination
29 that the recovery [~~housing~~] **residence** at issue does not maintain standards or provide an
30 environment that appropriately supports recovery.

31 (4) **Resident rights, a certificate of certification, and grievance procedures**
32 **shall be posted within the residence for residents to review.**

1 (5) *Enforcement actions, including the administration of fines, and*
2 *suspension or revocation of certification for failing to comply with this chapter and the*
3 *rules adopted thereunder.*

4 (6) *The process for establishment of recovery residences.*

5 VI. The department shall prepare, publish, and disseminate a list of ***all certified*** recovery
6 ***residences, to be publicly published*** ~~[housing pursuant to paragraph V]~~. A state agency or
7 vendor with a state or federally funded contract that is providing treatment or recovery support
8 services to a person shall not refer the person to ***a*** recovery ~~[housing]~~ ***residence*** unless the recovery
9 ~~[housing]~~ ***residence*** is certified pursuant to paragraph V.

10 VII.(a) The commissioner or designee shall designate an entity to serve as the certifying
11 body for a ~~[voluntary]~~ certification program for recovery residences based upon nationally recognized
12 standards. The certifying body shall establish and implement a certification program for recovery
13 residences that maintain nationally recognized standards that:

14 (1) Uphold industry best practices and support a safe, healthy, and effective recovery
15 environment;

16 (2) Evaluate the residence's ability to assist persons in achieving long-term recovery
17 goals;

18 (3) Protect residents of recovery residences against unreasonable and unfair
19 practices in setting and collecting fee payments; and

20 (4) Verify good standing with regard to local, state, and federal laws and any
21 regulations and ordinances including, but not limited to, building, maximum occupancy, fire safety
22 and sanitation codes.

23 (b) The certifying body shall investigate complaints received by the department
24 regarding non-compliance with ~~[NARR]~~ ***nationally recognized*** standards. The certifying body
25 shall provide an annual report to the department, and shall report quarterly on any newly certified
26 ~~[houses]~~ ***residences*** or ~~[houses]~~ ***residences*** that are out of compliance. ~~[The certifying body shall~~
27 ~~inform the department within 5 business days if a recovery house's certification is suspended or~~
28 ~~revoked.]~~

29 ~~(c) The department shall identify certified recovery houses in good standing on the~~
30 ~~registry created pursuant to paragraph V.]~~

31 ~~(d) The department shall adopt rules, pursuant to RSA 541-A, relative to the process for~~
32 ~~certification and the requirements of this paragraph.]~~

33 ***VIII. All recovery residences operating in the state of New Hampshire shall file with***
34 ***the department, on a form prescribed by the department, within 120 days of the effective***
35 ***date of this section to initiate the certification process. For any recovery housing residence***
36 ***that begins operations after the effective date of this section, the required form shall be***

1 *filed with the department no later than 30 days after the first resident begins occupancy.*

2 *The following information shall be included on the form:*

3 *(a) The name and contact information of the operator;*

4 *(b) The first date of occupancy;*

5 *(c) Information related to any existing certification or equivalent accreditation*
6 *the residence has obtained or is in the process of obtaining; and*

7 *(d) Any other information required by the department through rule.*

8 *IX. All recovery residences operating within the state of New Hampshire shall*
9 *obtain and maintain certification directly or through a contracted entity pursuant to the*
10 *rules adopted under this chapter and the following:*

11 *(a) Certification shall be completed within 12 months of filing. A recovery*
12 *residence shall not operate without certification unless it is actively engaged in efforts to*
13 *obtain certification. For purposes of identifying this 12-month time frame, a recovery*
14 *housing residence is considered to begin operating on the date that the first resident*
15 *occupies the residence.*

16 *(b) If the department finds that a recovery residence is operating without*
17 *certification, the department shall issue by certified mail a cease operations notice. The*
18 *department shall notify the attorney general for prosecution.*

19 *(c) No person, business, or government entity shall advertise or represent any*
20 *residence or other building to be a recovery residence, sober living home, or any other*
21 *alcohol and drug free housing for persons recovering from substance use disorder unless*
22 *the residence or building meets one of the following conditions:*

23 *(1) The residence or building is certified under this chapter;*

24 *(2) The residence or building is regulated and licensed by the department; or*

25 *(3) The residence is an Oxford House.*

26 3 State Board of Fire Control; Exemption for Recovery Residences. Amend RSA 153:10-d to read
27 as follows:

28 153:10-d Exemption for Recovery [~~Houses~~] **Residences**.

29 I. An owner or operator of a recovery [~~house~~] **residence** which is in compliance with rules
30 adopted by the commissioner of health and human services under RSA 172-B:2, V for the [~~voluntary~~]
31 registry for operators of recovery [~~houses~~] **residences** [~~or who is certified by the New Hampshire~~
32 ~~Coalition of Recovery Residences~~] may apply to the state fire marshal and maybe granted an
33 exemption under RSA 153:5, IV from certain requirements of the state fire code, provided the
34 following requirements are in place:

35 (a) A properly maintained electrical system.

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1 (b) A properly maintained heating system, inspected and tagged annually by a qualified
2 service technician, including a domestic sprinkler head over the unit and smoke separation from
3 living area.

4 (c) Properly maintained cooking appliances.

5 (d) Street number of the recovery [~~house~~] **residence** posted and visible from the street.

6 (e) No smoking within 10 feet of the building unless approved by the local fire
7 department.

8 (f) A written evacuation plan submitted to and approved by the local fire department.

9 (g) Monthly evacuation drills must be conducted with documentation available for
10 review onsite.

11 (h) Basement living spaces shall have an exit directly to grade.

12 (i) The facility shall have a minimum of 50 gross square feet per bed per sleeping room.

13 (j) At least one escape window in each sleeping room. An escape window shall comply
14 with the state fire marshal's most recent informational bulletin document relative to size and
15 dimensions.

16 (k) Installed interconnected smoke and carbon monoxide alarms, electrically powered
17 with battery backup, on each level and in each sleeping room. Ten-year battery alarms with wireless
18 interconnectivity may be substituted for electrically powered alarms. For occupancies exceeding 8
19 occupants, the installation of a complete fire alarm system, with carbon monoxide detection,
20 including automatic notification to the local fire department shall be required.

21 (l) Annual compliance inspection by the local fire department.

22 (m) If the travel distance to an exit is greater than 75 feet, or for occupancies with living
23 space above the second floor regardless of travel distance, there shall be 2 remote means of egress
24 from each floor.

25 (n) A 24-hour emergency contact person with contact information and the approved
26 building occupant load shall be posted in the common area of the building so it is readily visible to
27 the fire department.

28 II. In this section, "recovery [~~house~~] **residence**" means *as defined in RSA 172-B:1, XIII-a*
29 [~~a residence that provides a safe, healthy, family-like, substance-free living environment that~~
30 ~~supports individuals in recovery from addiction and is centered on peer support and a connection to~~
31 ~~services that promote long term recovery; provided that "recovery housing" shall not include a~~
32 ~~halfway house or any other facility requiring a license pursuant to RSA 151].~~

33 4 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill requires the development of a certification process for recovery residences.