

11-0262

Introduced by Senator Benoit

February 23, 2009

An act to add Section 11834.255 to the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 214, as introduced, Benoit. Sober living homes.

Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults.

This bill would provide that a sober living home, as defined, is exempt from licensure under these provisions. The bill also would provide that a residence housing those purporting to be recovering from drug and alcohol abuse would be presumed to be a sober living home if it has been certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11834.255 is added to the Health and
- 2 Safety Code, to read:
- 3 11834.255. (a) The purpose of this section is to provide a
- 4 definition of a "sober living home" so as to give both those
- 5 purporting to operate these facilities and local code and law

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1 enforcement agencies the ability to determine whether residences
2 housing former drug and alcohol abusers are exempt from local
3 regulation or exercise of local police powers.

4 (b) For purposes of this chapter, “sober living home” means a
5 residential property that is operated as a cooperative living
6 arrangement to provide an alcohol- and drug-free environment for
7 persons recovering from alcoholism or drug abuse, or both, who
8 seek a living environment in which to remain clean and sober, and
9 that satisfies all of the following requirements:

10 (1) Residents of the facility, including live-in managers,
11 operators, or owners, are living a sober lifestyle.

12 (2) Residents actively participate in legitimate recovery
13 programs, including, but not limited to, outpatient treatment,
14 12-step recovery, and other recognized programs of recovery, and
15 maintain current records of meeting attendance.

16 (3) Owners, managers, operators, and residents observe and
17 promote a zero tolerance policy regarding the consumption or
18 possession of alcohol or controlled substances, except for
19 prescription medications obtained and used under direct medical
20 supervision. The observation and promotion of this policy may
21 take into account demonstrable efforts made by residents to respond
22 to, and prevent additional violations of, the policy.

23 (4) Owners, managers, operators, and residents do not provide
24 onsite any of the following services, as they are defined in Section
25 10501 of Title 9 of the California Code of Regulations:

26 (A) Detoxification services.

27 (B) Education sessions.

28 (C) Individual or group sessions.

29 (D) Alcoholism or drug abuse recovery or treatment planning.

30 (5) The number of residents who are subject to the sex offender
31 registration requirements of Section 290 of the Penal Code does
32 not exceed the limit set forth in Section 3003.5 of the Penal Code
33 and does not violate the distance provisions set forth in Section
34 3003 of the Penal Code.

35 (6) Residents do not require nonmedical care or supervision, as
36 those terms are defined in Section 1503.5 and in Title 22 of the
37 California Code of Regulations.

38 (7) Owners, managers, operators, and residents ensure that the
39 property and its use comply with applicable state and local law.

1 (c) A residence housing those purporting to be recovering from
2 drug and alcohol abuse shall be presumed to be a sober living home
3 if the residence has been certified, registered, or approved by a
4 recognized nonprofit organization that provides a credible quality
5 assurance service for applicants or members.

6 (d) A sober living home shall be exempt from licensure under
7 this chapter.

8 (e) Nothing in this section shall be construed to prohibit minor
9 children who are dependents of a resident of the facility from also
10 residing in the facility.

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