



AN ACT PROVIDING REQUIREMENTS AND PROHIBITING CERTAIN PRACTICES FOR RECOVERY RESIDENCES; CREATING A REGISTRY OF RECOVERY RESIDENCES IN MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECEIVE RENTAL VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS; PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Montanans facing addiction deserve the highest quality of care and support; and

WHEREAS, recovery residences can provide a healthy, sober living environment that helps individuals with substance use disorders achieve and maintain sobriety; and

WHEREAS, it is crucial that recovery residences implement best practices and sound operating procedures that enable and empower residents to gain access to community support, public services, and therapeutic treatments to advance their recovery and develop independence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Alcohol and drug prevention or treatment facility" means a recovery residence, hospital, health or counseling center, or other entity providing alcohol and drug services.

(2) "Alcohol and drug services" includes evaluation, treatment, residential personal care, habilitation, rehabilitation, counseling, or supervision of persons with substance use disorders or services to persons designed to prevent substance use disorders that either receive funds from the department of public health and human services or assess fees for services provided.

(3) "Certified recovery residence" means a recovery residence, as defined in subsection ~~(8)~~ (9),

that has received certification or another form of approval from a certifying organization, as defined in subsection (4).

(4) "Certifying organization" means a recovery residence standards organization or an affiliate of a recovery residence standards organization that operates in the state of Montana and is recognized by the department of public health and human services.

(5) "Informed consent" means voluntary consent by an individual to a placement in a certified recovery residence only after full disclosure by a judge, justice of the peace, or magistrate of the following information:

(a) any limitations or prohibitions against narcotic medication associated with the certified recovery residence; and

(b) whether United States food and drug administration-approved medication-assisted treatment of substance use disorders, including the use of buprenorphine and suboxone, is limited or prohibited.

(6) "Levels of care" means the continuum of support ranging from nonclinical recovery residences to licensed clinical treatment.

(7) "Minor" means an individual under 18 years of age without regard to sex.

(8) "Qualified health care provider" means a person licensed as a physician, psychologist, social worker, clinical professional counselor, marriage and family therapist, addiction counselor, or another appropriate licensed health care practitioner.

(9) "Recovery residence" means a sober living home with a safe, family-like environment that promotes recovery from substance use disorders through services including but not limited to peer support, mutual support groups, and recovery services.

(10) "Sober" means free of alcohol and drugs, except for prescription medications taken as directed by a licensed prescriber, including medications approved by the United States food and drug administration for the treatment of opioid use disorder.

(11) (a) "Substance use disorder" means the use of any chemical substance, legal or illegal, that creates behavioral or health problems, or both, resulting in operational impairment.

(b) This term includes alcoholism, drug dependency, or both, that endanger the health, interpersonal relationships, or economic functions of an individual or the public health, safety, or welfare.

Section 2. Recovery residence requirements. (1) A recovery residence must register with the department of public health and human services.

- (2) A recovery residence may seek certification from a certifying organization.
- (3) A recovery residence must have policies and protocols for the following:
 - (a) administrative oversight;
 - (b) quality standards, including if the recovery residence limits or prohibits the use of narcotic medication;
 - (c) its residents;
 - (d) emergencies, including fire, natural disasters, and health emergencies, including overdose; and
 - (e) eviction of a resident, including the return of the resident's personal effects and property.
- (4) A recovery residence must meet state and municipal requirements that apply to a residence's dwelling size and occupancy, including but not limited to safety requirements, building codes, zoning regulations, and local ordinance requirements.
- (5) A recovery residence must keep opioid-overdose drugs on site in an easily accessible place and train staff and residents on the use of opioid-overdose drugs.
- (6) Minor children of residents may reside with their parent in a certified recovery residence if allowed in the residence's policies and protocols and if the residence maintains an environment consistent with the welfare of minor residents.
- (7) The recovery residence may not limit a resident's duration of stay to an arbitrary or fixed amount of time unless all transition and completion dates are agreed on by both parties at the time of admission. Each resident's duration of stay is determined by the resident's needs, progress, and willingness to abide by the recovery residence's protocols in collaboration with the recovery residence's owner and operator and, if appropriate, in consultation with a qualified health care provider.
- (8) The recovery residence may permit residents to receive medication-assisted treatment.
- (9) (a) Each recovery residence shall provide an annual compliance report to the certifying organization, including a description of any programming and services designed to reduce recidivism and facilitate rehabilitation among residents during the year covered by the report and the number of residents for

whom such services were provided.

(b) The certifying organization shall provide an annual compliance report, including a description of any programming and services designed to reduce recidivism and facilitate rehabilitation among residents during the year covered by the report and the number of residents for whom such services were provided, in accordance with 5-11-210, to the criminal justice oversight council.

Section 3. Recovery residence prohibitions. (1) The operator or staff of a recovery residence may not:

(a) make a materially false or misleading statement or provide materially false or misleading information about the residence's identity, products, goods, services, or geographical locations in its marketing and advertising materials, media, and website;

(b) include on a website false information or electronic links, coding, or activation that provides false information or that surreptitiously directs the reader to another website;

(c) solicit, receive, or make an attempt to solicit or receive a commission, benefit, rebate, kickback, or bribe, directly or indirectly, in cash or in kind, in return for a referral or an acceptance or acknowledgement of treatment from a qualified health care provider, provider of alcohol and drug services, or alcohol and drug prevention or treatment facility;

(d) engage or make an attempt to engage in a split-fee arrangement in return for a referral or an acceptance or acknowledgement of treatment from a qualified health care provider, provider of alcohol and drug services, or alcohol and drug prevention or treatment facility; or

(e) enter into a contract with a marketing provider who agrees to generate referrals or leads for the placement of patients with a qualified health care provider, provider of alcohol and drug services, or alcohol and drug prevention or treatment facility through a call center or a web-based presence unless this contract is disclosed to the prospective patient or resident.

(2) In addition to any other penalty authorized by law, a recovery residence that knowingly violates this section is subject to prosecution and penalties pursuant to the Montana Consumer Protection Act, Title 30, chapter 14, part 1.

Section 4. Powers and duties of department of public health and human services -- annual county report. (1) The department of public health and human services shall:

- (a) maintain a registry of recovery residences in the state;
- (b) include on its website a public-facing list of certifying organizations that operate in the state and are recognized by the department;
- (c) include on its website a public-facing list of recovery residences in the state that indicates which recovery residences are certified recovery residences; and
- (d) ensure that it supports several sets of certification standards from various certifying organizations to accommodate various program models.

(2) (a) By the date and on a form prescribed by the department, each county shall submit to the department an annual report of known recovery residences in the county.

- (b) A report must contain the following information for each known recovery residence:
 - (i) the name of the recovery residence;
 - (ii) the physical and mailing addresses of the recovery residence;
 - (iii) the name and contact information of the owner of the recovery residence; and
 - (iv) additional information when available, including:
 - (A) the name and contact information of the recovery residence manager or other leadership staff;
 - (B) the population served by the recovery residence;
 - (C) whether the recovery residence limits or prohibits the use of narcotic medication; and
 - (D) other information the county considers pertinent.
- (3) As permitted by federal and state law, the department shall post the location or physical address of a recovery residence on the department's website.

Section 5. Preferential placement at and referral to certified recovery residences -- informed consent required for placement in certain certified recovery residences. (1) The department of corrections shall establish a preference for certified recovery residences by encouraging and assisting appropriate individuals seeking placements in recovery residences.

- (2) (a) A judge, justice of the peace, or magistrate may not refer an individual to an uncertified

recovery residence.

(b) (i) A judge, justice of the peace, or magistrate shall refer an individual to at least two recovery residences, one of which must support United States food and drug administration-approved medication-assisted treatment of substance use disorders.

(ii) A judge, justice of the peace, or magistrate may not refer an individual to a certified recovery residence that does not permit the individual to receive treatment or take medication prescribed by a qualified health care provider without the informed consent of the individual who is subject to the referral.

(c) In addition to the requirements of subsection (2)(b), when referring an individual to a recovery residence, a qualified health care provider, judge, justice of the peace, or magistrate shall consider the:

(i) culture of the recovery residence, including but not limited to the permissiveness of unhealthy behaviors, current residents' commitment to recovery and support of other residents, requirements and support to attend and seek clinical treatment and outside nonclinical sobriety support, and the general living environment;

(ii) geographic area, neighborhood, or external surrounding environment of the recovery residence;

(iii) physical living environment of the recovery residence;

(iv) level of training and professionalism of residence staff;

(v) recovery residence's reputation regarding ethical business practices, which may include but is not limited to fraud and abuse of residents;

(vi) recovery residence's relapse policy; and

(vii) availability of opioid-overdose reversal drugs.

(3) Any judge, magistrate, or justice of the peace who violates subsection (2)(a) is subject to disciplinary action by the judicial standards commission pursuant to Title 3, chapter 1, part 11.

(4) Subsection (2)(a) does not otherwise limit the referral options available for a person in recovery from a substance use disorder to any other appropriate placements or services.

Section 6. Section 46-23-1041, MCA, is amended to read:

"46-23-1041. Rental vouchers. (1) If the department does not approve an offender's parole plan

because the offender is unable to secure suitable living arrangements, the department may provide rental vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an approved parole plan.

[(2)____ The department shall provide a rental voucher to a claimant if required by 46-32-106(7).]

(3)____ The voucher [provided pursuant to subsection (1)] must be provided in conjunction with additional transition support that enables the offender to participate in programs and services, including but not limited to substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming.

(4)_____ To receive rental vouchers and transitional assistance funds from the department of corrections, a recovery residence must:

(a)_____ be a certified recovery residence, as defined in [section 1(3)];

(b)_____ notify a resident's probation or parole officer within 24 hours of the resident moving out, if a resident is on probation or parole when the resident moves out of the recovery residence; and

(c)_____ permit residents to receive treatment and take medication prescribed by a qualified health care provider. The provisions of this subsection (4)(c) do not include a recovery residence or program that limits or prohibits the use of narcotic medication in order to provide a safe recovery environment to individuals who may be addicted to legal medication. The recovery residence or program shall report this practice as required in [sections 2(3)(b) and 4]. (Bracketed language terminates June 30, 2023--sec. 15, Ch. 574, L. 2021.)"

Section 7. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 53, chapter 24, part 3, and the provisions of Title 53, chapter 24, part 3, apply to [sections 1 through 5].

Section 8. Legislative intent for department of justice enforcement. It is the intent of the legislature that the department of justice implement the provisions of [section 3(2)] within existing resources.

Section 9. Effective date. [This act] is effective October 1, 2023.

- END -

I hereby certify that the within bill,
SB 94, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2023.

Speaker of the House

Signed this _____ day
of _____, 2023.

SENATE BILL NO. 94

INTRODUCED BY B. USHER

BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL

AN ACT PROVIDING REQUIREMENTS AND PROHIBITING CERTAIN PRACTICES FOR RECOVERY RESIDENCES; CREATING A REGISTRY OF RECOVERY RESIDENCES IN MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECEIVE RENTAL VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS; PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE DATE.