Committee Report

April 25, 2024

S. 445

Introduced by Senators Garrett and Matthews

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Read the first time March 28, 2023

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The committee on House Medical, Military, Public and Municipal Affairs

To whom was referred a Bill (S. 445) to amend the South Carolina Code of Laws by adding Article 2 to Chapter 49, Title 44 so as to require the Department of Alcohol and Other Drug Abuse Services to, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

S.H. DAVIS for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill requires the DAODAS to approve one credentialing entity within six months of this bill being signed by the Governor, for the purpose of developing and administering a voluntary certification program for organizations operating recovery housing and administrators of recovery housing. Additionally, this bill requires the approved credentialing entity to establish recovery housing certification requirements and procedures based upon nationally recognized quality standards. Further, a state agency, an employee or agent of a state agency, or a vendor with a state contract that provides services for prevention and treatment of alcohol and substance use disorders, may not refer a person to recovery housing unless the recovery housing is certified pursuant to this article. The section of the bill pertaining to a state agency’s requirement to refer a patient to certified recovering housing takes effect eighteen months after approval of the Governor. The remaining portions of the bill take effect upon approval by the Governor.

DAODAS currently contracts with a certifying entity, the South Carolina Association of Recovery Residences, for $50,000. If this bill is implemented, there is expected to be an increase in the number of homes that will be applying for certification. Therefore, DAODAS estimates that an additional staff member will be employed by the contractor to accomplish the increased workload. DAODAS anticipates that contract costs will increase by an estimated $50,000. However, the agency anticipates beings about to absorb this amount within its current appropriations.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 2 TO CHAPTER 49, TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES TO APPROVE A CREDENTIALING ENTITY TO DEVELOP AND ADMINISTER A VOLUNTARY CERTIFICATION PROGRAM FOR RECOVERY HOUSING; TO REQUIRE THE APPROVED CREDENTIALING ENTITY TO ESTABLISH RECOVERY HOUSING CERTIFICATION REQUIREMENTS AND PROCEDURES BASED UPON NATIONALLY RECOGNIZED QUALITY STANDARDS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 49 AS ARTICLE 1, ENTITLED “GENERAL PROVISIONS”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 49, Title 44 of the S.C. Code is amended by adding:

Article 2

Certification of Recovery Housing

 Section 44‑49‑310. The General Assembly finds that a person suffering from an alcohol or substance use disorder has a higher success rate of achieving long‑term recovery when given the opportunity to build a stronger foundation by living in recovery housing that meets nationally recognized quality standards. The General Assembly finds further that this State and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the General Assembly to protect persons who reside in recovery housing by creating a voluntary certification program for such recovery housing.

 Section 44‑49‑320. For purposes of this article:

 (1) “Credentialing entity” means an organization approved pursuant to this article to certify recovery housing.

 (2) “Department” means the Department of Alcohol and Other Drug Abuse Services.

 (3) “Recovery housing” means recovery residences, recovery homes, sober living homes, work‑rehab homes, three‑quarter houses, and other similar dwellings that provide individuals recovering from alcohol and substance use disorders with a living environment free from alcohol and illicit substance use and centered on peer support and connection to services that promote sustained recovery, including continued sobriety, improved individual health, residential stability, and positive community involvement. Recovery housing does not include treatment facilities as defined in Section 44‑52‑10.

 Section 44‑49‑330. (A) The department shall approve one credentialing entity within six months of the effective date of this article, for the purpose of developing and administering a voluntary certification program for organizations operating recovery housing and administrators of recovery housing. The department is authorized to suspend or revoke the approval of a credentialing entity if the department determines, in its sole discretion, that the credentialing entity has not followed the requirements of this article or protocols and guidance established by the department. In such circumstances, the department shall approve a successor credentialing entity on either an interim or permanent basis.

 (B) The department shall establish protocols and guidance requiring that the credentialing entity establish recovery housing certification requirements consistent with nationally recognized quality standards, such as the standards established by the National Alliance for Recovery Residences (NARR) or Oxford House. The department is authorized to amend such protocols and guidance from time to time as the department deems necessary.

 (C) The credentialing entity shall determine standards for recovery housing in consultation with the department. Different standards for different classifications or categories of recovery housing are permissible; however, at a minimum, standards for all classifications or categories must require recovery housing to:

 (1) have a clear mission and vision, with forthright legal and ethical codes, including the requirement to be financially honest with prospective residents;

 (2) be recovery‑oriented and prohibit the use of alcohol or illicit drugs;

 (3) have a role for peers to staff and govern the housing;

 (4) permit and provide for access to all evidence‑based recovery treatments including, but not limited to, medication assisted treatment;

 (5) have safeguards in place to uphold residents’ rights;

 (6) assist residents in finding suitable employment; and

 (7) assist residents who desire to relocate upon completion of the recovery program with relocation assistance services.

 (D) The department shall publish a registry of the names of all certified recovery housing on its website. The registry must be updated at least every sixty days.

 Section 44‑49‑340. A state agency, an employee or agent of a state agency, or a vendor with a state contract that provides services for prevention and treatment of alcohol and substance use disorders, may not refer a person to recovery housing unless the recovery housing is certified pursuant to this article.

 Section 44‑49‑350. Unless the recovery housing is certified pursuant to this article, residency in such recovery housing may not:

 (1) be made part of any criminal sentence or made a condition of probation by a court having criminal jurisdiction in this State;

 (2) be made a condition of any bond set by a court having criminal jurisdiction in this State; or

 (3) be made a condition of reentry, supervision, probation, or parole by the Department of Probation, Parole and Pardon Services.

 Section 44‑49‑360. Nothing in this article prohibits recovery housing that has not received certification from operating or advertising as recovery housing or from offering residence to persons recovering from substance use disorders.

 Section 44-49-370. It is unlawful for an owner or operator of recovery housing that is not certified pursuant to this article to advertise or otherwise represent that such recovery housing is certified pursuant to this article. An owner or operator of recovery housing who violates this section is subject to a civil penalty of not less than one hundred dollars nor more than five hundred dollars per occurrence.

SECTION 2. Sections 44‑49‑10 through 44‑49‑80 are designated as Article 1, entitled “General Provisions”.

SECTION 3. This act takes effect upon approval by the Governor, except Sections 44‑49‑340 and 44‑49‑350, which take effect eighteen months after approval by the Governor.

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