

REFERENCE TITLE: substance abuse recovery homes

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

## **HB 2107**

Introduced by  
Representatives Campbell, Borrelli; Ackerley, Leach, Townsend

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.38; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.15; RELATING TO LOCAL HEALTH AND SAFETY ORDINANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
3 amended by adding section 9-500.38, to read:

4 9-500.38. Structured sober living homes: health and safety  
5 standards: definition

6 A. IN ADDITION TO ANY OTHER AUTHORITY, A CITY OR TOWN MAY ADOPT BY  
7 ORDINANCE HEALTH AND SAFETY STANDARDS AND ENFORCEMENT MECHANISMS FOR  
8 STRUCTURED SOBER LIVING HOMES. IF ADOPTED, THE HEALTH AND SAFETY STANDARDS  
9 AND ENFORCEMENT MECHANISMS FOR STRUCTURED SOBER LIVING HOMES SHALL ADDRESS AT  
10 LEAST THE FOLLOWING:

11 1. A MANDATORY REGISTRATION FOR ALL STRUCTURED SOBER LIVING HOMES TO  
12 ENSURE THAT THE RESIDENTS OF THE HOME ARE LIVING IN A SAFE ENVIRONMENT. THE  
13 REGISTRATION REQUIREMENTS MAY INCLUDE:

14 (a) THE NAME AND ADDRESS OF THE STRUCTURED SOBER LIVING HOME.

15 (b) THE FOLLOWING INFORMATION REGARDING THE PROPERTY:

16 (i) IF THE PROPERTY IS OWNED, THE OWNER'S NAME, ADDRESS AND CONTACT  
17 TELEPHONE NUMBER.

18 (ii) IF THE PROPERTY IS LEASED, A COPY OF THE LEASE THAT STATES THAT  
19 THE PROPERTY WILL BE USED AS A STRUCTURED SOBER LIVING HOME.

20 2. FIRE SAFETY REQUIREMENTS OF THE HOME.

21 3. SQUARE FOOTAGE AND LOCATION REQUIREMENTS OF THE RESIDENTS'  
22 BEDROOMS.

23 4. SUPERVISION REQUIREMENTS IN THE HOME FOR THE RESIDENTS, INCLUDING A  
24 REQUIREMENT THAT EACH STRUCTURED SOBER LIVING HOME HAVE A QUALIFIED HOUSE  
25 MANAGER ON SITE.

26 5. QUALIFICATIONS OF THE HOUSE MANAGER THAT AT A MINIMUM REQUIRE ALL  
27 OF THE FOLLOWING:

28 (a) A HIGH SCHOOL OR GENERAL EQUIVALENCY DIPLOMA.

29 (b) A MINIMUM AGE OF TWENTY-ONE.

30 (c) THE ABILITY TO DEMONSTRATE AN UNDERSTANDING OF THE DISEASE MODEL  
31 OF ADDICTION.

32 (d) SUCCESSFUL COMPLETION OF TRAINING THAT INCLUDES:

33 (i) FIRST AID AND CARDIOPULMONARY RESUSCITATION TRAINING AND  
34 CERTIFICATION.

35 (ii) INFECTIOUS DISEASE CONTROL AND PREVENTION.

36 (iii) CRISIS PREVENTION AND INTERVENTION.

37 (iv) ASSISTED SELF-ADMINISTRATION OF MEDICATION CERTIFICATION.

38 6. THE ESTABLISHMENT AND MAINTENANCE OF DISCHARGE PLANS FOR RESIDENTS,  
39 INCLUDING THOSE WHO DO NOT COMPLY WITH HOUSE RULES.

40 7. TRANSPORTATION OF THE RESIDENTS OF THE STRUCTURED SOBER LIVING  
41 HOME.

42 B. A CITY OR TOWN THAT ADOPTS HEALTH AND SAFETY STANDARDS AND  
43 ENFORCEMENT MECHANISMS FOR STRUCTURED SOBER LIVING HOMES PURSUANT TO  
44 SUBSECTION A OF THIS SECTION MAY EXCLUDE FROM REGULATION ANY STRUCTURED SOBER

1 LIVING HOME THAT IS SUBJECT TO ADEQUATE OVERSIGHT BY ANOTHER GOVERNMENTAL  
2 ENTITY OR CONTRACTOR.

3 C. THE OPERATION OR MAINTENANCE OF A STRUCTURED SOBER LIVING HOME THAT  
4 IS NOT REGISTERED OR DOES NOT MEET THE HEALTH AND SAFETY STANDARDS ADOPTED  
5 PURSUANT TO THIS SECTION IS IN VIOLATION OF THIS SECTION AND IS DECLARED A  
6 NUISANCE DETRIMENTAL TO THE PUBLIC HEALTH AND SAFETY. THE CITY OR TOWN  
7 THROUGH ITS ATTORNEY MAY BRING AN ACTION FOR AN INJUNCTION TO RESTRAIN SUCH A  
8 VIOLATION OR TO ENJOIN THE FUTURE OPERATION OR MAINTENANCE OF ANY STRUCTURED  
9 SOBER LIVING HOME UNTIL THERE IS SUBSTANTIAL COMPLIANCE WITH THIS SECTION AND  
10 THE ORDINANCES, REGULATIONS AND STANDARDS ADOPTED PURSUANT TO THIS SECTION.

11 D. FOR THE PURPOSES OF THIS SECTION, "STRUCTURED SOBER LIVING HOME":

12 1. MEANS ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR  
13 DRUG-FREE HOUSING, PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT AND  
14 PROVIDES STRUCTURED ACTIVITIES THAT ARE DIRECTED PRIMARILY TOWARD RECOVERY  
15 FROM SUBSTANCE USE DISORDERS IN A SUPERVISED SETTING TO A GROUP OF UNRELATED  
16 INDIVIDUALS WHO ARE RECOVERING FROM DRUG OR ALCOHOL ADDICTION, OF WHOM AT  
17 LEAST TWENTY-FIVE PERCENT RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR  
18 SUBSTANCE ABUSE OR ADDICTION TREATMENT WHILE LIVING IN THE HOME.

19 2. DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY  
20 MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR  
21 SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE  
22 IN THE FAMILY DWELLING.

23 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is  
24 amended by adding section 11-269.15, to read:

25 11-269.15. Structured sober living homes: health and safety  
26 standards: definition

27 A. IN ADDITION TO ANY OTHER AUTHORITY, A COUNTY MAY ADOPT BY ORDINANCE  
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20          B. A COUNTY THAT ADOPTS HEALTH AND SAFETY STANDARDS AND ENFORCEMENT  
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