

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

# HOUSE BILL 2843

AN ACT

AMENDING SECTIONS 36-2062 AND 36-2063, ARIZONA REVISED STATUTES; RELATING  
TO SOBER LIVING HOMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2062, Arizona Revised Statutes, is amended to  
3 read:

4 36-2062. Licensure; standards; civil penalty; use of title

5 A. The director shall adopt rules to establish minimum standards  
6 and requirements for the licensure of sober living homes in this state  
7 necessary to ensure the public health, safety and welfare. The director  
8 may use the current standards adopted by any recognized national  
9 organization approved by the department as guidelines in prescribing the  
10 minimum standards and requirements under this subsection. The standards  
11 shall include:

12 1. A requirement that each sober living home ~~to~~ develop policies  
13 and procedures to allow individuals who are on medication-assisted  
14 treatment to continue to receive this treatment while living in the sober  
15 living home.

16 2. Consistent and fair practices for drug and alcohol testing,  
17 including frequency, that promote the residents' recovery.

18 3. Policies and procedures for the residence to maintain an  
19 environment that promotes the safety of the surrounding neighborhood and  
20 the community at large.

21 4. Policies and procedures for discharge planning of persons living  
22 in the residence that do not negatively impact the surrounding community.

23 5. A good neighbor policy to address neighborhood concerns and  
24 complaints.

25 6. A requirement that the operator of each sober living home have  
26 available for emergency personnel an up-to-date list of current  
27 medications and medical conditions of each person living in the home.

28 7. A policy that ensures residents are informed of all sober living  
29 home rules, residency requirements and resident agreements.

30 8. Policies and procedures for the management of all monies  
31 received and spent by the sober living home in accordance with standard  
32 accounting practices, including monies received from residents of the  
33 sober living home.

34 9. A requirement that each sober living home post a statement of  
35 resident rights that includes the right to file a complaint about the  
36 residence or provider and information about how to file a complaint.

37 10. Policies that promote recovery by requiring residents to  
38 participate in treatment, self-help groups or other recovery supports.

39 11. Policies requiring abstinence from alcohol and illicit drugs.

40 12. Procedures regarding the appropriate use and security of  
41 medication by a resident.

42 13. Policies regarding the maintenance of sober living homes,  
43 including the installation of functioning smoke detectors, carbon monoxide  
44 detectors and fire extinguishers and compliance with local fire codes  
45 applicable to comparable dwellings occupied by single families.

1 14. Policies and procedures that prohibit a sober living home  
2 owner, employee or administrator from requiring a resident to sign any  
3 document for the purpose of relinquishing the resident's public assistance  
4 benefits, including medical assistance benefits, cash assistance and  
5 supplemental nutrition assistance program benefits.

6 15. Policies and procedures for managing complaints about sober  
7 living homes.

8 16. Requirements for the notification of a family member or other  
9 emergency contact designated by a resident under certain circumstances,  
10 including death due to an overdose.

11 B. The licensure of a sober living home under this article is for  
12 ~~one year~~ THREE YEARS. A person operating a sober living home in this  
13 state that has failed to attain or maintain licensure of the sober living  
14 home shall pay a civil penalty of up to ~~one thousand dollars~~ \$1,000 for  
15 each violation.

16 C. To receive and maintain licensure, a sober living home must  
17 comply with all federal, state and local laws, including the Americans  
18 with disabilities act of 1990.

19 D. A treatment facility that is licensed by the department for the  
20 treatment of substance use disorders and that has one or more sober living  
21 homes on the same campus as the facility's program shall obtain licensure  
22 for each sober living home pursuant to this article.

23 E. Once the director adopts the minimum standards as required in  
24 subsection A of this section, a person may not establish, conduct or  
25 maintain in this state a sober living home unless that person holds a  
26 current and valid license issued by the department or is certified as  
27 prescribed in section 36-2064. The license is valid only for the  
28 establishment, operation and maintenance of the sober living home. The  
29 licensee may not:

30 1. Imply by advertising, ~~OR~~ OR directory listing or otherwise that  
31 the licensee is authorized to perform services more specialized or of a  
32 higher degree of care than is authorized by this article and the  
33 ~~underlying~~ ADOPTED rules for sober living homes.

34 2. Transfer or assign the license. A license is valid only for the  
35 premises occupied by the sober living home at the time of its issuance.

36 Sec. 2. Section 36-2063, Arizona Revised Statutes, is amended to  
37 read:

38 36-2063. Fees; licensure; renewal; inspections;  
39 investigations; sanctions

40 A. The department shall establish fees for initial licensure and  
41 license renewal and a fee for the late payment of licensing fees that  
42 includes a grace period. THE DEPARTMENT MAY NOT CHARGE A FEE ON A PER BED  
43 BASIS. THE FEE FOR INITIAL LICENSURE AND FOR LICENSE RENEWAL MAY NOT  
44 EXCEED THE FOLLOWING:

1           1. EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, \$1,500.

2           2. \$500 FOR A SOBER LIVING HOME THAT IS CERTIFIED BY A CERTIFYING  
3 ORGANIZATION.

4           B. The department shall deposit, pursuant to sections 35-146 and  
5 35-147, ninety percent of the fees collected pursuant to this section in  
6 the health services licensing fund established by section 36-414 and ten  
7 percent of the fees collected pursuant to this section in the state  
8 general fund.

9           ~~B.~~ C. On a determination by the director that there is reasonable  
10 cause to believe a sober living home is not adhering to the licensing  
11 requirements of this article, the director and any duly designated  
12 employee or agent of the director may enter on and into the premises of  
13 any sober living home that is licensed or required to be licensed pursuant  
14 to this article at any reasonable time for the purpose of determining the  
15 state of compliance with this article, the rules adopted pursuant to this  
16 article and local fire ordinances or rules. Any application for licensure  
17 under this article constitutes permission for and complete acquiescence in  
18 any entry or inspection of the premises during the pendency of the  
19 application and, if licensed, during the term of the license. If an  
20 inspection reveals that the sober living home is not adhering to the  
21 licensing requirements established pursuant to this article, the director  
22 may take action authorized by this article. Any sober living home whose  
23 license has been suspended or revoked in accordance with this article is  
24 subject to inspection on application for relicensure or reinstatement of  
25 license.

26           ~~C. The director may impose a civil penalty on a person that  
27 violates this article or the rules adopted pursuant to this article in an  
28 amount of not more than five hundred dollars for each violation. Each day  
29 that a violation occurs constitutes a separate violation. The director  
30 may issue a notice that includes the proposed amount of the civil penalty  
31 assessment. If a person requests a hearing to appeal an assessment, the  
32 director may not take further action to enforce and collect the assessment  
33 until the hearing process is complete. The director shall impose a civil  
34 penalty only for those days for which the violation has been documented by  
35 the department.~~

36           D. The department may impose sanctions and commence disciplinary  
37 actions against a licensed sober living home, including revoking the  
38 license. A license may not be suspended or revoked under this article  
39 without affording the licensee notice and an opportunity for a hearing as  
40 provided in title 41, chapter 6, article 10.

41           E. The department may contract with a third party to assist the  
42 department with licensure and inspections.