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SB 1361: sober living homes

Sponsor: Senator Carroll, LD 28

Committee on Health & Human Services

Overview

Makes modifications relating to the licensing, oversight and regulations of sober living homes. Increases the cap on civil penalties for violations of sober living homes from \$500 to \$1,000. Repeals certified sober living homes.

History

A sober living home is any premises, place or building that provides alcohol-free or drug free-housing that: 1) promotes independent living and life skills development; 2) may provide activities that are directed primarily toward recovery from substance use disorders; 3) provides a supervised setting to a group of unrelated individuals who are recovering from substance use disorders; and 4) does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence ([A.R.S. § 36-2061](#)).

The Arizona Department of Health Services (DHS) is required to adopt rules to establish minimum standards and requirements for the licensure of sober living homes in Arizona that are necessary to ensure public health, safety and welfare. The DHS Director may use the current standards adopted by any recognized national organization approved by DHS as guidelines in prescribing the minimum standards and requirements. Statute outlines the minimum standards necessary for the DHS Director to adopt for sober living homes. A person operating a sober living home in Arizona that has failed to attain or maintain licensure must pay a civil penalty of \$1,000 per violation ([A.R.S. § 36-2062](#)).

On determination by the DHS Director that there is reasonable cause to believe a sober living home is not adhering to the licensing requirements, the DHS Director and any duly assigned DHS employee or agent may enter the premises of the sober living home at any reasonable time to determine the home's state of compliance. If an inspection reveals that the sober living home is not adhering to the licensing requirements, the DHS Director may take action. Any sober living home whose license has been suspended or revoked is subject to inspection on the application for licensure or reinstatement of a license. The DHS Director may impose a civil penalty on a person who violates any sober living home regulations in an amount of not more than \$500 for each violation ([A.R.S. § 36-2063](#)).

A sober living home that is certified by a certifying organization may operate and receive referrals. A sober living home certification is in lieu of licensure until the sober living home is licensed. A certified sober living home must apply to DHS for licensure within 90 days after DHS's initial licensing rules are final. DHS must notify the certifying organization when the initial licensure rules are final. In lieu of an initial on-site licensure survey and any annual on-site survey, DHS must issue a license to a sober living home that submits an application prescribed by DHS and that meets the following requirements: 1) is currently certified as a

sober living home by a certifying organization; and 2) meets all department licensure requirements ([A.R.S § 36-2064](#)).

Provisions

1. Redefines *sober living homes* to any premises, place or dwelling unit that meets at least one of the following:
 - a) provides housing that provides or arranges for residents to receive any service or activity for recovery from any substance use disorder, including full-time or part-time supervision, observation, oversight or transportation to or from any service, treatment or activity directed primarily toward recovery from any substance use disorder;
 - b) advertises, markets, holds itself out or otherwise implies through any means, including oral, written, electronic or printed means, that it provides or will provide a living environment directed primarily toward recovery from any substance use disorder; or
 - c) provides alcohol-free and drug-free housing in a full-time or part-time supervised living environment for individuals recovering from any substance use disorder. (Sec. 2)
2. Requires DHS standards and requirements for the licensure of sober living homes to include policies and procedures to implement if a license is suspended or revoked or a cease-and-desist notice is issued. (Sec. 3)
3. Requires DHS to establish requirements that the sober living home maintain an environment that is free from alcohol and illegal substances at all times and requires abstinence from alcohol and illicit drugs. (Sec. 3)
4. Requires DHS to establish requirements that the sober living home maintain an environment that promotes the safety of the surrounding neighborhood and the community at large. (Sec. 3)
5. Requires an application for sober living home licensure to require the sober living home to obtain written administrative clearance from the local jurisdiction where the sober living home is located verifying compliance with all local zoning, building, fire and licensing ordinances. (Sec. 3)
6. Requires the name and contact information of the designated employee of the local jurisdiction who is authorized to provide the required administrative clearance to be posted on the local jurisdiction's website or the website of an association representing the local jurisdiction if the local jurisdiction does not have a website. (Sec. 3)
7. Requires DHS to identify on each license the maximum number of unrelated residents who are allowed to live in the sober living home, including any manager or other staff living on the premises. (Sec. 3)
8. Requires DHS or its third-party contractor to conduct a physical, on-site inspection of a sober living home to verify compliance with sober living home regulations:
 - a) before approving a license or license renewal, any proposed change in the maximum number of residents or any construction or modification of a sober living home;
 - b) at least annually for each sober living home; and
 - c) promptly on determination by the DHS Director that reasonable cause exists that a sober living home is not adhering to sober living home regulations. (Sec. 5)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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9. Prohibits licensure applicants from self-attesting to compliance in lieu of an inspection. (Sec. 5)
10. Requires DHS to complete an investigation of a sober living home that is the subject of a complaint within 30 calendar days after receiving a complaint that identifies an alleged violation. (Sec. 5)
11. Requires DHS or its third-party contractor to conduct a physical, on-site inspection of a sober living home if it is determined that there is reasonable cause to believe the sober living home is not adhering to the sober living home regulations. (Sec. 5)
12. Raises the cap on civil penalties for violations of sober living homes from \$500 to \$1,000. (Sec. 5)
13. Requires the DHS Director, upon determining a person has violated sober living home regulations, to deny the application, withhold approval or request for a change affecting the license, or both, unless and until the person demonstrates that the violation has been cured and the application or request meets the requirements. (Sec. 5)
14. Allows the DHS Director to deny, revoke or suspend a sober living home license if any owner, officer, agent or employee of the sober living home does any of the following:
 - a) violates any sober living home statutes or rules;
 - b) commits a felony under the laws of any state or of the United States arising out of or in connection with the operation of a sober living home;
 - c) knowingly aids, allows or abets the submission of false or inaccurate information; or
 - d) violates the requirements for licensure of the sober living home. (Sec. 5)
15. Allows the DHS Director to order the immediate termination of any specific service, procedure or practice of the sober living home if they reasonably believe that a violation has occurred and that the life or safety of the residents or the public is immediately affected, on written notice to the owner or agent of the sober living home. (Sec. 5)
16. Prohibits the DHS Director from suspending, revoking or denying a license without affording the licensee notice and an opportunity for a hearing. (Sec. 5)
17. Allows a person whose application for a license or a request for a change affecting a license has been denied by the DHS Director or who has been ordered by the DHS Director to immediately terminate any specific service, procedure or practice, at any time within 30 days after notice of the denial or order to request in writing a hearing before the DHS Director or a person designated by the DHS Director to review the DHS Director's action. (Sec. 5)
18. Requires the hearing to be held within 30 days after the written request. (Sec. 5)
19. States that the operation or maintenance of a sober living home that does not hold a current or valid license or that exceeds the range of the activities or services authorized by a license is a public nuisance. (Sec. 5)
20. Allows the DHS Director to issue a cease-and-desist order against a sober living home or, in the name of the people of this state, through the Attorney General or a county attorney and bring an action for an injunction to restrain the violation or to enjoin the future operation or maintenance of the sober living home until the sober living home complies with the law. (Sec. 5)

21. Allows DHS to issue a certified letter, before issuing a cease-and-desist order or bringing an action for an injunction, to the owner or agent of the licensed or unlicensed sober living home that states the factual basis for the DHS's belief that the sober living home is operating in violation the law. (Sec. 5)
22. Allows DHS to include within the letter the enforcement options available to the DHS if the violations continue. (Sec. 5)
23. Requires DHS to notify, within 15 calendar days after receiving a complaint about a sober living home from a political subdivision of Arizona, the political subdivision of the status of the complaint. (Sec. 5)
24. Requires DHS or its third-party contractors, within 15 calendar days after they conclude the investigation of the complaint, to provide to the political subdivision of this state the findings of the investigation, including copies of investigative reports without personal identifying information of the sober living home residents and a description of any penalties and sanctions imposed and enforcement actions taken. (Sec. 5)
25. Prohibits DHS from contracting with any owner, operator, administrator or association of sober living homes. (Sec. 5)
26. Requires third-party contractors to be paid from the Health Services Licensing Fund. (Sec. 5)
27. Requires DHS, on request, to disclose the address of a sober living home to a third-party contractor of DHS. (Sec. 8)
28. Instructs DHS to notify the designated employee of the local jurisdiction of all approvals and denials for licensure and renewal and all requests for changes affecting a sober living home license issued in that jurisdiction within 30 calendar days after receipt of the application for licensure or renewal or request for changes. (Sec. 8)
29. Requires DHS, by January 31, to include in its annual report the number of complaints against licensed sober living homes:
 - a) received by DHS each year;
 - b) investigated by DHS or its third-party contractor; and
 - c) that resulted in inspections by DHS or its third-party contractor. (Sec. 9)
30. Requires DHS, annually on January 31, to submit to the Health and Human Services Committees of the Senate and House of Representatives, or their successor committees, a report on sober living homes that are required to be licensed, but are not, including the number of applicable:
 - a) complaints received;
 - b) complaints that were investigated and inspected by DHS or its third-party contractor; and
 - c) enforcement actions taken. (Sec. 9)
31. Declares that the Legislature recognizes the need to protect both the people in recovery and the public from unscrupulous and incompetent operators of sober living homes and, therefore finds and determines that strict compliance with and enforcement of these requirements are necessary and required to ensure the public health, safety and welfare. (Sec. 4)
32. Repeals certified sober living homes. (Sec. 6)

33. Defines *license*. (Sec. 2)

34. Makes technical and conforming changes. (Sec. 1-3,5,7-9)