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S.157

An act relating to recovery residence certification

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 4802 is amended to read:

§ 4802. DEFINITIONS

As used in this chapter:

\* \* \*

(12) “Recovery residence” means a shared living residence supporting individuals recovering from a substance use disorder that provides residents with peer support, assistance accessing support services, and community resources for individuals recovering from substance use disorder.

(13) “Secretary” means the Secretary of Human Services or designee.

~~(13)~~(14) “Substance abuse crisis team” means an organization approved by the Secretary to provide emergency treatment and transportation services to substance abusers pursuant to the provisions of this chapter.

~~(14)~~(15) “Substance abuser” means anyone who drinks alcohol or consumes other drugs to an extent or with a frequency that impairs or endangers ~~his or her~~ the individual’s health or the health and welfare of others.

~~(15)~~(16) “Treatment” means the broad range of medical, detoxification, residential, outpatient, aftercare, and follow-up services ~~which that~~ that are needed by substance abusers and may include a variety of other medical, social,

1 vocational, and educational services relevant to the rehabilitation of these  
2 persons.

3 Sec. 2. 18 V.S.A. § 4806 is amended to read:

4 § 4806. DIVISION OF SUBSTANCE USE PROGRAMS

5 (a) The Division of Substance Use Programs shall plan, operate, and  
6 evaluate a consistent, effective program of substance use programs. All duties,  
7 responsibilities, and authority of the Division shall be carried out and exercised  
8 by and within the Department of Health.

9 (b) The Division shall be responsible for the following services:

- 10 (1) prevention and intervention;  
11 (2) [Repealed.]  
12 (3) project CRASH schools; ~~and~~  
13 (4) alcohol and drug treatment; and  
14 (5) recovery residences.

15 \* \* \*

16 Sec. 3. 9 V.S.A. § 4452 is amended to read:

17 § 4452. EXCLUSIONS

18 (a) Unless created to avoid the application of this chapter, this chapter does  
19 not apply to any of the following:

20 \* \* \*

1 (b)(1) Notwithstanding subsections 4463(b) and 4467(b) and section 4468  
2 of this chapter only, a recovery residence may immediately exit or transfer a  
3 resident if all of the following conditions are met:

4 (A) the recovery residence has developed and adopted a residential  
5 agreement:

6 (i) containing a written exit and transfer policy approved by the  
7 Vermont Alliance for Recovery Residences or another certifying organization  
8 approved by the Department of Health that:

9 (I) addresses the length of time that a bed will be held in the  
10 event of a temporary removal;

11 (II) establishes the criteria by which a resident can return to the  
12 recovery residence in the event of a temporary removal; and

13 (III) ensures a resident's possessions will be held not less than  
14 60 days in the event of permanent removal;

15 (ii) explaining the recovery residence's program rules and social  
16 standards;

17 (iii) designating alternative housing arrangements for the resident  
18 in the event of an exit or transfer, including contingency plans when alternative  
19 housing arrangements are not available;

1           ~~(iii)~~(iv) describing the recovery residence's substance use policy,  
2           which shall exempt the use of a resident's valid prescription medication when  
3           used as prescribed; and

4           ~~(iv)~~(v) indicating that by signing a residential agreement, a  
5           resident acknowledges that the recovery residence may cause the resident to be  
6           immediately exited or transferred to alternative housing if the resident violates  
7           the recovery residence's substance use policy, regularly refuses to engage in  
8           services or programming, is charged with a criminal offense, engages in theft,  
9           interferes with the recovery of other residents, or engages in acts of violence  
10          that threaten the health or safety of other residents or recovery residence staff  
11          or volunteers;

12           (B) the recovery residence has obtained the resident's written consent  
13          to its residential agreement, reaffirmed after seven days;

14           (C) the resident violated the substance use policy in the residential  
15          agreement, regularly refuses to engage in services or programming, is charged  
16          with a criminal offense, engages in theft, interferes with the recovery of other  
17          residents, or engaged in acts of violence that threatened the health or safety of  
18          other residents or recovery residence staff or volunteers; and

19           (D) the recovery residence has provided or arranged for a  
20          stabilization bed or other alternative temporary housing.

1           (2) Relapse of a substance use disorder resulting in exiting a recovery  
2 residence shall not be deemed a cause of the resident’s own homelessness for  
3 purposes of obtaining emergency housing.

4           (3) As used in this subsection, “recovery residence” ~~means a shared~~  
5 ~~living residence supporting persons recovering from a substance use disorder~~  
6 ~~that:~~

7                 ~~(A) provides tenants with peer support and assistance accessing~~  
8 ~~support services and community resources available to persons recovering~~  
9 ~~from substance use disorders; and~~

10                ~~(B) is certified by an organization approved by the Department of~~  
11 ~~Health and that is either a Vermont affiliate of the National Alliance for~~  
12 ~~Recovery Residences or another approved organization~~ has the same meaning  
13 as in 18 V.S.A. § 4802.

14 Sec. 4. 2024 Acts and Resolves No. 163, Sec. 5 is amended to read:

15           Sec. 5. SUNSET; RECOVERY RESIDENCES; RESIDENTIAL

16                    AGREEMENT; REPORTING

17           (a) ~~9 V.S.A. § 4452(b) is repealed on July 1, 2026. [Repealed.]~~

18           (b) Sec. 4 (report; recovery residences’ exit and transfer data) is repealed  
19 on July 1, 2026.

1       Sec. 5. RULEMAKING; RECOVERY RESIDENCE CERTIFICATION

2           (a) On or before September 1, 2027, the Department of Health shall file an  
3       initial proposed rule with the Secretary of State pursuant to 3 V.S.A.  
4       § 836(a)(2) for the purposes of establishing a voluntary recovery residence  
5       certification program. At a minimum, the rule shall:

6           (1) require that a recovery residence seeking certification from the State  
7       comply with the certification standards of the Vermont Alliance for Recovery  
8       Residences or another organization approved by the Department; and

9           (2) set forth data collection standards and reporting requirements for  
10       certified recovery residences, including data elements and frequency, and  
11       requirements for annual reporting from the Department to the General  
12       Assembly that measure the program's effectiveness.

13          (b) The Department shall complete the rulemaking process and adopt a  
14       permanent rule pursuant to 3 V.S.A. chapter 25 on or before December 1,  
15       2028.

16          (c) If the Department identifies the need for a fee to support the voluntary  
17       recovery residence certification program described in this section, the  
18       Department shall first propose the fee to the General Assembly and, if the  
19       General Assembly chooses to enact it into law, may incorporate the fee into the  
20       required rule.

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2026.