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S.157

Introduced by Senators Douglass, Baruth, Beck, Bongartz, Brennan, Brock,
Chittenden, Clarkson, Collamore, Cummings, Gulick, Harrison,
Hart, Heffernan, Ingalls, Lyons, Major, Mattos, Norris,
Perchlik, Plunkett, Ram Hinsdale, Weeks, Westman and
Williams

Referred to Committee on Health and Welfare

Date: May 30, 2025

Subject: Health; substance use disorder; recovery residence; certification

Statement of purpose of bill as introduced: This bill proposes to establish a
voluntary recovery residence certification through the Department of Health.

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. § 4812 is added to read:~~

§ 4812. RECOVERY RESIDENCE CERTIFICATION

(a) Definition. As used in this section, “recovery residence” means a
shared temporary living residence supporting persons recovering from a
substance use disorder that provides care through peer support and assistance

1 ~~accessing support services and community resources available to persons~~
2 recovering from substance use disorders.

3 (b) Certification. Upon receipt of an application from a recovery residence
4 in the State seeking certification, the Department shall issue the requested
5 certification if it determines that the applicant meets the following minimum
6 standards:

7 (1) the applicant is certified by either a Vermont affiliate of the National
8 Alliance for Recovery Residences or another organization approved by the
9 Department;

10 (2) the applicant demonstrates the capacity to operate a recovery
11 residence in accordance with rules adopted by the Department of Health and in
12 a manner that ensures person-centered care and resident dignity;

13 (3) the applicant shall fully comply with standards for health, safety, and
14 sanitation as required by State law, including standards set forth by the State
15 Fire Marshal, the Department, and municipal ordinance;

16 (4) once certified, the recovery residence, including the buildings and
17 grounds, shall be subject to inspections by the Department with a ten-day prior
18 notice;

19 (5) the applicant shall have a clear process for responding to resident
20 complaints, including.

1 (A) a method by which each resident shall be made aware of the
2 complaint procedure;

3 (B) an appeals mechanism within a recovery residence;

4 (C) a published time frame for processing and resolving complaints
5 and appeals within a recovery residence; and

6 (D) periodic reporting to the Department of the nature of complaints
7 filed and action taken; and

8 (6) The applicant shall fully comply with 9 V.S.A. chapter 137.

9 (c) Transferability. A certification is not transferable or assignable and
10 shall be issued only for the premises named in the application.

11 (d) Certification renewal. Annually, a recovery residence seeking renewal
12 of its certification under this section shall submit an attestation to the
13 Department that the recovery residence continues to maintain its certification
14 through either a Vermont affiliate of the National Alliance for Recovery
15 Residences or another organization approved by the Department.

16 (e) Rulemaking. The Department shall adopt rules pursuant to 3 V.S.A.
17 chapter 25 to carry out the purposes of this section.

18 (f) Reporting.

19 (1) On or before January 1 of each year, a recovery residence certified
20 pursuant to this section shall report to the Department with the following data
21 from the previous calendar year in a manner approved by the Department, in

1 ~~consultation with the Vermont affiliate of the National Alliance for Recovery~~

2 Residences or another organization approved by the Department:

3 (A) the number of residents served;

4 (B) the average length of stay at the recovery residence;

5 (C) any exit or transfer of a resident by the recovery residence and
6 the asserted basis for exiting or transferring the resident;

7 (D) the number of residents who gained or lost meaningful
8 employment during their stay at the recovery residence;

9 (E) budgetary needs; and

10 (F) any other information the Department deems appropriate.

11 (2) On or before February 1 of each year, the Department shall submit
12 the data received under subdivision (1) of this subsection in an aggregated
13 format to the House Committee on Human Services and the Senate Committee
14 on Health and Welfare.

15 Sec. 2. 9 V.S.A. § 4452 is amended to read:

16 § 4452. EXCLUSIONS

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

19

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 program rules and expected residential 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, commits a crime, engages in theft, is mentally or
9 physically interfering with the recovery of other residents, or engages in acts
10 of violence that threaten the health or safety of other residents or recovery
11 residence staff;

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, commits a
16 crime, engages in theft, is mentally or physically interfering with the recovery
17 of other residents, or engaged in acts of violence that threatened the health or
18 safety of other residents or recovery residence staff; and

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

1 ~~(2) Release 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. § 4812.~~

14 Sec. 3. 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.~~

20 Sec. 4. EFFECTIVE DATE

21 ~~This act shall take effect on July 1, 2026.~~

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 are needed by substance abusers and may include a variety of other medical, social, vocational, and educational services relevant to the rehabilitation of these persons.

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

§ 4806. DIVISION OF SUBSTANCE USE PROGRAMS

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

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

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

** * **

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

§ 4452. EXCLUSIONS

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

** * **

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) As used in this subsection, "recovery residence" means a shared living residence supporting persons recovering from a substance use disorder that:

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

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

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

Sec. 5. SUNSET; RECOVERY RESIDENCES; RESIDENTIAL AGREEMENT; REPORTING

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

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

~~*Sec. 5. RULEMAKING; RECOVERY RESIDENCE CERTIFICATION*~~

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

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

~~(2) set forth minimum data collection and reporting requirements for certified recovery residences, including data elements and frequency.~~

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

Sec. 5. RULEMAKING; RECOVERY RESIDENCE CERTIFICATION

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

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

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

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

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

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2026.