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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:

\* \* \*

(5) “Designated substance abuse counselor” means a person approved by the Secretary to evaluate and treat ~~substance abusers~~ individuals with substance use disorder, pursuant to the provisions of this chapter.

\* \* \*

(12) “Recovery residence” means a shared living residence supporting residents recovering from a substance use disorder that provides residents with peer support, assistance accessing support services, and other community resources related to 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~~ individuals with substance use disorder pursuant to the provisions of this chapter.

~~(14)~~(15) “~~Substance abuser~~” “Individual with substance use disorder” means anyone who drinks alcohol or consumes other drugs to an extent or with

1 a frequency that impairs or endangers ~~his or her~~ the individual's health or the  
2 health and welfare of others.

3 ~~(15)~~(16) "Treatment" means the broad range of medical, detoxification,  
4 residential, outpatient, aftercare, and follow-up services ~~which~~ that are needed  
5 by ~~substance abusers~~ individuals with substance use disorder and may include  
6 a variety of other medical, social, vocational, and educational services relevant  
7 to the rehabilitation of these persons.

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

9 § 4806. DIVISION OF SUBSTANCE USE PROGRAMS

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

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

15 (1) prevention and intervention;

16 (2) [Repealed.]

17 (3) project CRASH schools; ~~and~~

18 (4) alcohol and drug treatment; and

19 (5) recovery residences.

20 \* \* \*

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

2 § 4452. EXCLUSIONS

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

5 \* \* \*

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

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

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

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

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

18 (III) ensures a resident's possessions will be held not less than  
19 60 days in the event of permanent removal;

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

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

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

7            ~~(iv)~~(v) indicating that by signing a residential agreement, a  
8            resident acknowledges that the recovery residence may cause the resident to be  
9            immediately exited or transferred to alternative housing ~~if~~ for behaving in a  
10           manner that impacts the health or safety of other individuals residing, working,  
11           or volunteering at the recovery residence, such as the resident ~~violates~~  
12           violating the recovery residence's substance use policy, repeatedly refusing to  
13           engage in services or programming, being charged with a criminal offense,  
14           engaging in theft, materially interfering with the recovery of other residents, or  
15           ~~engages~~ engaging in acts of violence that threaten the health or safety of other  
16           residents, recovery residence staff, or volunteers;

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

19            (C) the resident ~~violated~~ behaved in a manner that impacted the  
20            health or safety of other individuals residing, working, or volunteering at the  
21            recovery residence, such as violating the recovery residence's substance use

1 policy in the residential agreement, repeatedly refusing to engage in services or  
2 programming, being charged with a criminal offense, engaging in theft,  
3 materially interfering with the recovery of other residents, or ~~engaged~~ engaging  
4 in acts of violence that ~~threatened~~ threaten the health or safety of other  
5 residents, recovery residence staff, or volunteers; ~~and~~

6 (D) the recovery residence has provided or arranged for a  
7 stabilization ~~re-engagement~~ bed or other alternative temporary housing;

8 (E) the recovery residence has provided written or electronic notice  
9 to the resident containing the date and rationale for the temporary removal or  
10 transfer and options for returning to the recovery residence; and

11 (F) the recovery residence has established a grievance process  
12 approved by the Vermont Alliance for Recovery Residences or another  
13 certifying organization approved by the Department of Health.

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

17 (3) Notwithstanding section 4460 of this chapter, a recovery residence  
18 employee may enter the recovery residence at reasonable times as necessary to  
19 carry out functions related to the operation of the recovery residence.

1           ~~(4) As used in this subsection, “recovery residence” means a shared~~  
2           ~~living residence supporting persons recovering from a substance use disorder~~

3           This subsection shall only apply to a recovery residence that:

4                   (A) ~~provides tenants with peer support and assistance accessing~~  
5                   ~~support services and community resources available to persons recovering~~  
6                   ~~from substance use disorders~~ meets the definition of “recovery residence” in 18  
7                   V.S.A. § 4802; and

8                   (B) is certified by an organization approved by the Department of  
9                   Health and that is either a Vermont affiliate of the National Alliance for  
10                  Recovery Residences or another approved organization.

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

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

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

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

17          Sec. 5. RULEMAKING; RECOVERY RESIDENCE CERTIFICATION

18                  (a) On or before September 1, 2027, the Department of Health shall file an  
19                  initial proposed rule with the Secretary of State pursuant to 3 V.S.A.  
20                  § 836(a)(2) for the purposes of establishing a voluntary recovery residence  
21                  certification program. At a minimum, the rule shall:

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

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

8           (b) The Department shall complete the rulemaking process and adopt a  
9           permanent rule pursuant to 3 V.S.A. chapter 25 on or before December 1,  
10          2028.

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

16          Sec. 6. EFFECTIVE DATE

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