

House Proposal of Amendment

S. 157

An act relating to recovery residence certification

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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.

(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.

(15) ~~“Substance abuser”~~ “Individual with substance use disorder” 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.

(16) “Treatment” means the broad range of medical, detoxification, residential, outpatient, aftercare, and follow-up services ~~which~~ that are needed by ~~substance abusers~~ individuals with substance use disorder 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- (2) [Repealed.]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 for behaving in a manner that impacts the health or safety of other individuals residing, working, or volunteering at the recovery residence, such as the resident violates violating the recovery residence's substance use policy, repeatedly refusing to engage in services or programming, being charged with a criminal offense, engaging in theft, materially interfering with the recovery of other residents, or engages engaging in acts of violence that threaten the health or safety of other residents, 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~~ behaved in a manner that impacted the health or safety of other individuals residing, working, or volunteering at the recovery residence, such as violating the recovery residence's substance use policy in the residential agreement, repeatedly refusing to engage in services or programming, being charged with a criminal offense, engaging in theft, materially interfering with the recovery of other residents, or engaged engaging in acts of violence that threatened threaten the health or safety of other residents, recovery residence staff, or volunteers; and

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

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

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

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

~~(4) As used in this subsection, "recovery residence" means a shared living residence supporting persons recovering from a substance use disorder. This subsection shall only apply to a recovery residence that:~~

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

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 data collection standards and reporting requirements for certified recovery residences, including data elements and frequency, exit and transfer data, 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.