Vermont Department of Health
Strike All Amendment Proposed for S. 157

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 process.

An act relating to recovery residence certification

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

§ 4802. Definitions

As used in this chapter:

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(12) "Recovery residence" means a shared living residence supporting persons recovering from a substance use disorder that provides residents with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(132) "Secretary" means the Secretary of Human Services or designee.

(143) "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.

(154) "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 health or the health and welfare of others.

(165) "Treatment" means the broad range of medical, detoxification, residential, outpatient, aftercare, and follow-up services which 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(2) [Repealed.]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.

(c) Under the direction of the Commissioner of Health, the Division shall review and approve all alcohol and drug programs developed or administered by any State agency or department.

(d) Any federal or private funds received by the State for purposes of subdivision (b)(4) of this section shall be in the budget of and administered by the Department of Health.

(e) [Repealed.]

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:

(1) occupancy at a public or private institution, operated for the purpose of providing medical, geriatric, educational, counseling, religious, or similar service;

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(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;

(iv~~ii~~) 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

(~~i~~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, engages in theft, is interfering 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;

(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, engages in theft, is interfering 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; 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.~~

(2~~3~~) ~~As used in this~~This subsection applies only to a ~~, "~~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~~meets the definition in 18 V.S.A. § 4802(12); 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. EFFECTIVE DATE

This act shall take effect on July 1, 2026.