

1 SENATE BILL NO. 94
2 INTRODUCED BY B. USHER
3 BY REQUEST OF THE CRIMINAL JUSTICE OVERSIGHT COUNCIL
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS AND PROHIBITING CERTAIN
6 PRACTICES FOR RECOVERY RESIDENCES; CREATING A REGISTRY OF RECOVERY RESIDENCES IN
7 MONTANA; REQUIRING CERTIFICATION FOR A RECOVERY RESIDENCE TO RECEIVE RENTAL
8 VOUCHERS AND TRANSITIONAL ASSISTANCE FUNDS FROM THE DEPARTMENT OF CORRECTIONS;
9 PROVIDING DEFINITIONS; AMENDING SECTION 46-23-1041, MCA; AND PROVIDING AN EFFECTIVE
10 DATE."
11

12 WHEREAS, Montanans facing addiction deserve the highest quality of care and support; and
13 WHEREAS, recovery residences can provide a healthy, sober living environment that helps individuals
14 with substance use disorders achieve and maintain sobriety; and

15 WHEREAS, it is crucial that recovery residences implement best practices and sound operating
16 procedures that enable and empower residents to gain access to community support, public services, and
17 therapeutic treatments to advance their recovery and develop independence.
18

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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21 NEW SECTION. **Section 1. Definitions.** As used in this part, unless the context clearly indicates
22 otherwise, the following definitions apply:

23 (1) "Alcohol and drug prevention or treatment facility" means a recovery residence, hospital, health
24 or counseling center, or other entity providing alcohol and drug services.

25 (2) "Alcohol and drug services" includes evaluation, treatment, residential personal care,
26 habilitation, rehabilitation, counseling, or supervision of persons with substance use disorders or services to
27 persons designed to prevent substance use disorders that either receive funds from the department of public
28 health and human services or assess fees for services provided.

1 (III) THE NAME AND CONTACT INFORMATION OF THE OWNER OF THE RECOVERY RESIDENCE; AND

2 (IV) ADDITIONAL INFORMATION WHEN AVAILABLE, INCLUDING:

3 (A) THE NAME AND CONTACT INFORMATION OF THE RECOVERY RESIDENCE MANAGER OR OTHER

4 LEADERSHIP STAFF;

5 (B) THE POPULATION SERVED BY THE RECOVERY RESIDENCE; AND

6 (C) OTHER INFORMATION THE COUNTY CONSIDERS PERTINENT.

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8 **NEW SECTION. Section 5. Preferential placement at and referral to certified recovery**

9 **residences.** (1) The department of corrections shall establish a preference for certified recovery residences by
10 encouraging and assisting appropriate individuals seeking placements in recovery residences.

11 (2) (a) ~~A qualified health care provider, judge, justice of the peace, or magistrate may not refer an~~
12 ~~individual to an uncertified recovery residence.~~

13 ~~(B) A JUDGE, JUSTICE OF THE PEACE, OR MAGISTRATE MAY NOT REFER AN INDIVIDUAL TO A CERTIFIED~~

14 ~~RECOVERY RESIDENCE THAT DOES NOT PERMIT THE INDIVIDUAL TO RECEIVE TREATMENT OR TAKE MEDICATION~~

15 ~~PRESCRIBED BY A QUALIFIED HEALTH CARE PROVIDER.~~

16 ~~(b)~~~~(c)~~~~(b)~~ When referring an individual to a recovery residence, a qualified health care provider,
17 judge, justice of the peace, or magistrate shall consider the:

18 (i) culture of the recovery residence, including but not limited to the permissiveness of unhealthy
19 behaviors, current residents' commitment to recovery and support of other residents, requirements and support
20 to attend and seek clinical treatment and outside nonclinical sobriety support, and the general living
21 environment;

22 ~~(ii) levels of care the recovery residence provides, including the type, nature, and intensity of the~~
23 ~~therapeutic services and recovery supports provided, and the ability to meet the referee's specific needs;~~

24 ~~(iii) utilization of certified or appropriately trained peers with relevant lived experience;~~

25 ~~(iv)~~~~(II)~~ geographic area, neighborhood, or external surrounding environment of the recovery
26 residence;

27 ~~(v)~~~~(III)~~ physical living environment of the recovery residence;

28 ~~(vi) use of medication-assisted treatment in the recovery residence, including the:~~

- 1 (A) ~~operator and other staff support for medication-assisted treatment;~~
- 2 (B) ~~proper monitoring of the use of medication-assisted treatment;~~
- 3 (C) ~~other residents' support of medication-assisted treatment; and~~
- 4 (D) ~~availability of peers with medication-assisted treatment experience for residents with severe~~
5 ~~opioid use disorder;~~
- 6 ~~(vii)~~(IV) level of training and professionalism of residence staff;
- 7 ~~(viii)~~(V) recovery residence's reputation regarding ethical business practices, which may include but is
8 not limited to fraud and abuse of residents;
- 9 ~~(ix)~~(VI) recovery residence's relapse policy; and
- 10 ~~(x)~~(VII) availability of opioid-overdose reversal drugs.
- 11 ~~(3) Any qualified health care provider who violates subsection (2)(a) is subject to the suspension or~~
12 ~~revocation of the provider's license or certificate by the appropriate licensing or certification board and the~~
13 ~~imposition of civil penalties pursuant to the relevant chapter of Title 37.~~
- 14 (4)(3) Any judge, magistrate, or justice of the peace who violates subsection (2)(a) is subject to
15 disciplinary action by the judicial standards commission pursuant to Title 3, chapter 1, part 11.
- 16 (5)(4) Subsection (2)(a) does not otherwise limit the referral options available for a person in recovery
17 from a substance use disorder to any other appropriate placements or services.

18
19 **Section 6.** Section 46-23-1041, MCA, is amended to read:

20 "**46-23-1041. Rental vouchers.** (1) If the department does not approve an offender's parole plan
21 because the offender is unable to secure suitable living arrangements, the department may provide rental
22 vouchers to the offender for a period not to exceed 3 months if the rental assistance will result in an approved
23 parole plan.

24 [(2)___The department shall provide a rental voucher to a claimant if required by 46-32-106(7).]

25 (3)___The voucher [provided pursuant to subsection (1)] must be provided in conjunction with
26 additional transition support that enables the offender to participate in programs and services, including but not
27 limited to substance abuse treatment, mental health treatment, sex offender treatment, educational
28 programming, or employment programming.