

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:  
20

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

**Amendment - 2nd Reading/2nd House-tan - Requested by: Jedediah Hinkle - (H) Committee of the Whole**

68th Legislature

Drafter: Rachel Weiss, 406-444-5367

SB0094.005.002

1 recovery residence may not:

2 (a) make a materially false or misleading statement or provide materially false or misleading  
3 information about the residence's identity, products, goods, services, or geographical locations in its marketing  
4 and advertising materials, media, and website;

5 (b) include on a website false information or electronic links, coding, or activation that provides  
6 false information or that surreptitiously directs the reader to another website;

7 (c) solicit, receive, or make an attempt to solicit or receive a commission, benefit, rebate, kickback,  
8 or bribe, directly or indirectly, in cash or in kind, in return for a referral or an acceptance or acknowledgement of  
9 treatment from a qualified health care provider, provider of alcohol and drug services, or alcohol and drug  
10 prevention or treatment facility;

11 (d) engage or make an attempt to engage in a split-fee arrangement in return for a referral or an  
12 acceptance or acknowledgement of treatment from a qualified health care provider, provider of alcohol and  
13 drug services, or alcohol and drug prevention or treatment facility; or

14 (e) enter into a contract with a marketing provider who agrees to generate referrals or leads for the  
15 placement of patients with a qualified health care provider, provider of alcohol and drug services, or alcohol and  
16 drug prevention or treatment facility through a call center or a web-based presence unless this contract is  
17 disclosed to the prospective patient or resident.

18 (2) In addition to any other penalty authorized by law, a recovery residence that knowingly violates  
19 this section is subject to prosecution and penalties pursuant to the Montana Consumer Protection Act, Title 30,  
20 chapter 14, part 1.

21

22 **NEW SECTION. Section 4. Powers and duties of department of public health and human**

23 **services -- ANNUAL COUNTY REPORT.** (1) The department of public health and human services shall:

24 ~~(1)~~(A) maintain a registry of recovery residences in the state;

25 ~~(2)~~(B) include on its website a public-facing list of certifying organizations that operate in the state and  
26 are recognized by the department;

27 ~~(3)~~(C) include on its website a public-facing list of recovery residences in the state that indicates

1 which recovery residences are certified recovery residences; AND

2 (D) ENSURE THAT IT SUPPORTS SEVERAL SETS OF CERTIFICATION STANDARDS ~~from various certifying~~  
3 organizations TO ACCOMMODATE VARIOUS PROGRAM MODELS.

4 (2) (A) BY THE DATE AND ON A FORM PRESCRIBED BY THE DEPARTMENT, EACH COUNTY SHALL SUBMIT TO  
5 THE DEPARTMENT AN ANNUAL REPORT OF KNOWN RECOVERY RESIDENCES IN THE COUNTY.

6 (B) A REPORT MUST CONTAIN THE FOLLOWING INFORMATION FOR EACH KNOWN RECOVERY RESIDENCE:

7 (I) THE NAME OF THE RECOVERY RESIDENCE;

8 (II) THE PHYSICAL AND MAILING ADDRESSES OF THE RECOVERY RESIDENCE;

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

10 (IV) ADDITIONAL INFORMATION WHEN AVAILABLE, INCLUDING:

11 (A) THE NAME AND CONTACT INFORMATION OF THE RECOVERY RESIDENCE MANAGER OR OTHER  
12 LEADERSHIP STAFF;

13 (B) THE POPULATION SERVED BY THE RECOVERY RESIDENCE;

14 (C) WHETHER THE RECOVERY RESIDENCE LIMITS OR PROHIBITS THE USE OF NARCOTIC MEDICATION; AND

15 ~~(C)~~(D) OTHER INFORMATION THE COUNTY CONSIDERS PERTINENT.

16 (3) AS PERMITTED BY FEDERAL AND STATE LAW, THE DEPARTMENT SHALL POST THE LOCATION OR  
17 PHYSICAL ADDRESS OF A RECOVERY RESIDENCE ON THE DEPARTMENT'S WEBSITE.

18  
19 NEW SECTION. Section 5. Preferential placement at and referral to certified recovery

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

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

24 (B) A JUDGE, JUSTICE OF THE PEACE, OR MAGISTRATE MAY NOT REFER AN INDIVIDUAL TO A CERTIFIED  
25 RECOVERY RESIDENCE THAT DOES NOT PERMIT THE INDIVIDUAL TO RECEIVE TREATMENT OR TAKE MEDICATION  
26 PRESCRIBED BY A QUALIFIED HEALTH CARE PROVIDER. THE PROVISIONS OF THIS SUBSECTION (2)(B) DO NOT INCLUDE A  
27 RECOVERY RESIDENCE OR PROGRAM THAT LIMITS OR PROHIBITS THE USE OF NARCOTIC MEDICATION IN ORDER TO