

AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1098**

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**Introduced by Assembly Member Daly**

February 18, 2021

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*An act to add Chapter 14 (commencing with Section 11857) to Part 2 of Division 10.5 of the Health and Safety Code, relating to ~~substance use disorder~~ recovery residences.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1098, as amended, Daly. ~~Nonlicensed recovery~~ Recovery residences.

*Existing law establishes the California Health and Human Services Agency to oversee departments and offices that provide services in specified areas, including, health care, mental health, public health, and alcohol and drug treatment. Existing law establishes within the agency, the State Department of Health Care Services.*

Existing law requires the ~~State Department of Health Care Services~~ department to license and regulate facilities that provide residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services. Existing law also requires the department to implement a voluntary certification procedure for alcohol and other drug treatment recovery services. Existing law requires a program licensed or certified by the department to disclose ownership or control of, or financial interest in, a recovery residence. Existing law defines a recovery residence for this purpose to ~~include a residential dwelling commonly referred to as a sober living home~~. *mean a residential dwelling that*

*provides primary housing for individuals who seek a cooperative living arrangement that supports personal recovery from a substance use disorder and that does not require licensure by the department or does not provide licensable services, as specified.*

~~This bill would state the intent of the Legislature to enact legislation relating to nonlicensed recovery residences, also known as sober living homes.~~

*This bill would enact the Excellence in Recovery Residence Housing Act. The bill would require the Secretary of California Health and Human Services, on or before January 1, 2023, to develop and publish on the department’s internet website consensus-based guidelines and nationally recognized standards for counties to promote the availability of high-quality recovery residence housing for individuals with a substance use disorder. The bill would require the guidelines and standards to be developed in consultation with specified agencies and organizations, to build on existing best practices and suggested guidelines developed by the federal Substance Abuse and Mental Health Services Administration, and to use language that serves to distinguish recovery residence housing from the treatment of addiction. The bill would require the secretary to request the University of California, Los Angeles to conduct a study on the availability of high-quality recovery residence housing and on state, tribal, and local regulation and oversight of recovery residence housing. The bill would require the secretary to request the University of California, Los Angeles, based on the study, if conducted, to submit a report to the Assembly and Senate Committees on Health on or before January 1, 2023, that contains the results of the study and other specified information, including recommendations for state and local policies to promote the availability of high-quality recovery residence housing in California.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) (1) *Substance use disorder is ranked in the top five clinically*
- 4     *preventable burdens on health care spending.*
- 5     (2) *The level of health care services used by substance use*
- 6     *disorder patients before receiving treatment is more than double*

1 *that of the general population. It has been shown that after 12*  
2 *months of treatment of substance use disorders, the levels of health*  
3 *care services received return to almost average.*

4 *(3) An estimated 4 to 5 years is necessary for persons*  
5 *experiencing the chronic disease of addiction to reach a full,*  
6 *sustained recovery, and the first 30 to 90 days after initial*  
7 *treatment are the most critical for preventing relapse, making it*  
8 *imperative that recovery residences be expanded as a means of*  
9 *reducing costs associated with multiple treatment episodes.*

10 *(4) There are an estimated 3.5 million persons with diagnosable*  
11 *substance use disorders in California and a limited number of*  
12 *available recovery residences to effectively provide healthy living*  
13 *environments for long-term recovery.*

14 *(5) The need for recovery residence housing will continue to*  
15 *rise throughout the next decade.*

16 *(b) Therefore, it is the intent of the Legislature, in enacting this*  
17 *act, to identify best practices for recovery residences and to gather*  
18 *data regarding the quality and availability of recovery residences*  
19 *in California so that all of the following may occur:*

20 *(1) Access to quality recovery residence housing may be*  
21 *expanded, while the number of poorly operated recovery residences*  
22 *is reduced.*

23 *(2) Those currently living in recovery residences may experience*  
24 *a level of safety and a reduction in deaths by making federally*  
25 *approved opioid overdose reversal medication available.*

26 *(3) Local governments may recognize recovery residences for*  
27 *their valuable contributions to the continuum of care in addiction*  
28 *recovery.*

29 *SEC. 2. Chapter 14 (commencing with Section 11857) is added*  
30 *to Part 2 of Division 10.5 of the Health and Safety Code, to read:*

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32 *CHAPTER 14. RECOVERY RESIDENCE QUALITY STANDARDS AND*  
33 *DATA COLLECTION*

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35 *11857. This chapter shall be known and may be cited as the*  
36 *Excellence in Recovery Residence Housing Act.*

37 *11858. For purposes of this chapter, “recovery residence”*  
38 *refers to a residential property as defined in subdivision (f) of*  
39 *Section 11833.05.*

1 11859. On or before January 1, 2023, the Secretary of  
2 California Health and Human Services shall develop and publish  
3 on the State Department of Health Care Services' internet website  
4 consensus-based guidelines and nationally recognized standards  
5 for counties to promote the availability of high-quality recovery  
6 residence housing for individuals with a substance use disorder  
7 and to dissuade the use of, contracting with, or referral to, recovery  
8 residences that do not meet these guidelines and standards. The  
9 guidelines and standards shall do all of the following:

10 (a) Be developed in consultation with the state accrediting  
11 agency for the National Alliance for Recovery Residences,  
12 reputable providers and analysts of recovery residence housing  
13 services, disability rights advocates, housing advocates, the County  
14 Behavioral Health Directors Association of California, and other  
15 interested groups, including, but not limited to, the Addiction  
16 Recovery Communities of California, Faces and Voices of  
17 Recovery, Young People in Recovery, and the National Alliance  
18 for Medication Assisted Recovery, and be consistent with the best  
19 practices developed under Section 550 of the federal Public Health  
20 Service Act (42 U.S.C. 290aa).

21 (b) To the extent practicable, build on existing best practices  
22 and suggested guidelines developed by the federal Substance Abuse  
23 and Mental Health Services Administration.

24 (c) Consistently use language that serves to distinguish recovery  
25 residence housing from the treatment of addiction.

26 11860. (a) The secretary shall request the University of  
27 California, Los Angeles to conduct a study on both of the following:

28 (1) The availability of high-quality recovery residence housing  
29 and whether that availability meets the demand for recovery  
30 residence housing.

31 (2) State, tribal, and local regulation and oversight of recovery  
32 residence housing.

33 (b) The secretary shall request the University of California, Los  
34 Angeles, based on the study conducted pursuant to subdivision  
35 (a), if conducted, to submit a report to the Assembly and Senate  
36 Committees on Health on or before January 1, 2023, that contains  
37 all of the following:

38 (1) The results of the study conducted pursuant to subdivision  
39 (a).

1     (2) *Recommendations for state and local policies to promote*  
2 *the availability of high-quality recovery residence housing in*  
3 *California.*

4     (3) *Recommendations for state and local policies to improve*  
5 *data collection on the quality of recovery residence housing.*

6     (4) *Recommendations for recovery residence housing quality*  
7 *metrics.*

8     (5) *Recommendations to eliminate restrictions by recovery*  
9 *residences that exclude individuals who take prescribed*  
10 *medications for opioid use disorder.*

11     (6) *Recommendations for ensuring that recovery residences*  
12 *maintain opioid overdose reversal medication.*

13     (7) *Recommendations for improving referrals from state licensed*  
14 *and certified treatment programs and criminal justice agencies to*  
15 *high-quality recovery residences and discouraging referrals to*  
16 *substandard recovery residences.*

17     (8) *A summary of allegations, assertions, or formal legal actions*  
18 *at the state and local level by governmental entities and*  
19 *nongovernmental organizations with respect to the opening and*  
20 *operation of recovery residences.*

21     ~~SECTION 1. It is the intent of the Legislature to enact~~  
22 ~~legislation relating to nonlicensed recovery residences, also known~~  
23 ~~as sober living homes.~~