

1 AN ACT relating to recovery residences.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 222.500 is amended to read as follows:

4 As used in KRS 222.500 to 222.510:

5 (1) "Cabinet" means the Cabinet for Health and Family Services;

6 (2) "Certifying organization" means:

7 (a) The Kentucky Recovery Housing Network;

8 (b) The National Alliance for Recovery Residences ***or their recognized affiliates;***

9 (c) Oxford House, Inc.; and

10 (d) Any other organization that develops and administers professional
11 certification programs requiring minimum standards for the operation of
12 recovery residences that has been recognized and approved by the Cabinet for
13 Health and Family Services;

14 (3) "Local government" means a city, county, urban-county government, consolidated
15 local government, charter county government, or unified local government;

16 (4) "Medication for addiction treatment" means the use of pharmacological agents
17 approved by the United States Food and Drug Administration for the treatment of
18 substance use disorders in combination with counseling and other behavioral health
19 therapies to provide a whole-patient approach to the treatment of substance use
20 disorders;

21 (5) "Recovery residence":

22 **(a)** Means any premises, place, or building that:

23 ~~1.~~~~(a)~~ Holds itself out as a recovery residence, recovery home, sober
24 living residence, alcohol, illicit drug, and other intoxicating substance-
25 free home for unrelated individuals, or any other similarly named or
26 identified residence that promotes substance use disorder recovery
27 through abstinence from intoxicating substances; ***and***

1 ~~2.[(b)]~~ Provides a housing arrangement for a group of unrelated
 2 individuals who are recovering from substance use disorders or to a
 3 group of parents who are recovering from a substance use disorder and
 4 their children, including peer-to-peer supervision models; and

5 ~~(b)[(e)]~~ **Does not include any premises, place, or building that** is ~~[not]~~ licensed
 6 or otherwise approved by the cabinet or any other agency of state government
 7 **to operate as a residential or inpatient substance use treatment facility;**~~[to~~
 8 ~~provide any medical, clinical, behavioral health, or substance use treatment~~
 9 ~~service for which a license or other approval is required under state law; and]~~

10 (6) "Recovery support services":

11 (a) Means activities that are directed primarily toward recovery from substance
 12 use disorders and includes but is not limited to mutual aid self-help meetings,
 13 recovery coaching, spiritual coaching, group support, and assistance in
 14 achieving and retaining gainful employment; and

15 (b) Does not include any medical, clinical, behavioral health, or other substance
 16 use treatment service for which a license or other approval is required under
 17 state law; **and**

18 **(7) "Resident-driven length of stay" means the amount of time an individual is**
 19 **allowed to stay at a recovery residence as determined by the individual resident**
 20 **based upon his or her recovery needs and not by a third-party payor.**

21 ➔Section 2. KRS 222.502 is amended to read as follows:

22 (1) (a) Effective July 1, 2024, no individual or entity shall, except as provided in
 23 **paragraph (b) of this subsection and** subsection (2) of this section, establish,
 24 operate, or maintain a recovery residence, recovery home, sober living
 25 residence, alcohol, illicit drug, and other intoxicating substance-free home for
 26 unrelated individuals, or any other similarly named or identified residence that
 27 promotes substance use disorder recovery through abstinence from

1 intoxicating substances or represent, promote, advertise, or otherwise claim to
2 operate a recovery residence, recovery home, sober living residence, alcohol,
3 illicit drug, and other intoxicating substance-free home for unrelated
4 individuals, or any other similarly named or identified residence that promotes
5 substance use disorder recovery through abstinence from intoxicating
6 substances unless that individual or entity has:

- 7 1. Been certified by a certifying organization; and
- 8 2. Provided proof of certification by a certifying organization to the cabinet
9 in a form and manner prescribed by the cabinet.

10 (b) The provisions of this subsection shall not apply to:

- 11 1. A recovery residence that is recognized as a part of the Recovery
12 Kentucky Program administered by the Kentucky Housing Corporation;
13 or
- 14 2. A recovery residence that is:
 - 15 a. Owned or operated by an entity that is exempt, in part or in whole,
16 pursuant to 42 U.S.C. sec. 3607 or 12187 from compliance with
17 the Americans with Disabilities Act, Pub. L. No. 101-336, or the
18 Fair Housing Act, Pub. L. No. 100-430; and
 - 19 b. Affiliated with a religious institution that is organized under 26
20 U.S.C. sec. 501(c) for charitable religious purposes;
21 unless the recovery residence accepts Medicare or Medicaid funds.

22 (2) Notwithstanding subsection (1) of this section:

- 23 (a) A recovery residence operating without certification from a certifying
24 organization on June 30, 2024, shall be permitted to continue to operate until
25 December 31, 2024, if, except as provided in paragraph (c) of this
26 subsection, the recovery residence provides the cabinet with proof that it
27 initiated a certification process with a certifying organization prior to July 1,

1 2024;~~and~~

2 (b) A recovery residence that seeks to begin operating after July 1, 2024, may be
3 permitted by the cabinet to operate for a period of not more than six (6)
4 months if the recovery residence provides the cabinet with proof that it has
5 initiated a certification process with a certifying organization; and

6 **(c) Notwithstanding paragraph (a) of this subsection, a recovery residence that**
7 **provides on-site clinical services or access to on-site clinical services**
8 **operating without certification from a certifying organization on June 30,**
9 **2024, shall be permitted to continue operating after July 1, 2024, but shall**
10 **be required to provide proof of certification by a certifying organization to**
11 **the cabinet no later than December 31, 2024.**

12 ➔Section 3. KRS 222.504 is amended to read as follows:

13 (1) The cabinet shall:

14 (a) Require certified recovery residences to provide proof of certification at least
15 annually;

16 (b) Require certified recovery residences to notify the cabinet of any change in
17 their certification status, including but not limited to a suspension or
18 revocation of certification by a certifying organization;

19 (c) Require separate proof of certification for each recovery residence owned or
20 operated by an individual or entity in the Commonwealth;

21 (d) Post on its website the name, telephone number, and location by local
22 jurisdiction of each certified recovery residence and shall update the list at
23 least quarterly;

24 (e) Post on its website the name of each certifying organization approved by the
25 cabinet; and

26 (f) Notify local governments with appropriate jurisdiction of receipt of proof of
27 certification from a recovery residence within thirty (30) days of receipt of

1 proof of certification.

2 (2) The cabinet shall not disclose the address of a recovery residence except to local
3 governments, local law enforcement, and emergency personnel.

4 (3) The cabinet may:

5 (a) In lieu of posting the information required by subsection (1)(d) of this section
6 to its website, post a link to another website that aggregates information on
7 certified recovery residences or other information providers; and

8 (b) Promulgate administrative regulations in accordance with KRS Chapter 13A
9 to carry out the provisions of this section, Sections 1, 2, and 4 of this Act, and
10 KRS 222.508 and 222.510 ~~and KRS 222.502~~.

11 (4) If a recovery residence violates any provision of this section, Section 2 of this Act
12 or any administrative regulation promulgated thereunder, the cabinet and local
13 governments are hereby granted the authority and legal standing necessary to
14 impose civil fines as permitted under subsection (5) of this section and to initiate
15 appropriate legal action to compel a recovery residence that is operating in violation
16 of KRS 222.502 to cease operating.

17 (5) (a) Any certified recovery residence or other person operating a recovery
18 residence who knowingly fails to submit any report, data, or other
19 information as may be required by the cabinet through the promulgation of
20 an administrative regulation or by a local government through the
21 enactment of a local ordinance or who submits fraudulent reports, data, or
22 information may be subject to civil fines established by the cabinet through
23 the promulgation of an administrative regulation or by a local government
24 through the enactment of a local ordinance.

25 (b) Any person or entity who knowingly establishes, maintains, or operates an
26 uncertified recovery residence in violation of Section 2 of this Act may be
27 subject to civil fines established by the cabinet through the promulgation of

1 *an administrative regulation or by a local government through the*
2 *enactment of a local ordinance.*

3 *(6) Notwithstanding any law to the contrary, a recovery residence that furnishes*
4 *proof of current certification from a certifying organization to a local government*
5 *shall be presumed by the local government to be in compliance with this section,*
6 *Sections 1, 2, and 4 of this Act, and KRS 222.508 and 222.510.*

7 ➔Section 4. KRS 222.506 is amended to read as follows:

8 (1) A recovery residence shall:

9 (a) Clearly disclose the following by inclusion in any advertising and by posting
10 such a notice in a conspicuous location inside the residence:

11 1. Notice that the recovery residence is not a treatment facility;

12 2. A list of services offered by the recovery residence; and

13 3. If the recovery residence is exempt from certification pursuant to KRS
14 222.502(1)(b), notice that the recovery residence is exempt from
15 certification requirements;

16 (b) Require residents to abstain from the use of alcohol, illicit drugs, and other
17 intoxicating substances;

18 (c) Require residents to participate in recovery support services including through
19 a peer-to-peer supervision model; and

20 (d) Allow individuals who are receiving medication for addiction treatment to
21 continue to receive such treatment while residing in the recovery residence as
22 directed by a licensed prescriber.

23 (2) A recovery residence shall not, except as permitted under ~~paragraph (b) of~~
24 ~~subsection (3) of this section,~~ directly provide any medical or clinical services
25 including on-site medication administration.

26 (3) (a) The requirement that residents abstain from the use of intoxicating substances
27 established in subsection (1)(b) of this section shall not apply to any legally

1 prescribed medication when used by a resident as directed by a licensed
2 prescriber.

3 (b) Subsection (1)(d) of this section shall not apply to any recovery residence
4 owned or operated by an entity that is exempted, in part or in whole, pursuant
5 to 42 U.S.C. sec. 3607 or 12187 from compliance with the Americans with
6 Disabilities Act, Pub. L. No. 101-336, or the Fair Housing Act, Pub. L. No.
7 100-430.

8 (c) The prohibition on the provision of on-site medical and clinical services
9 established in subsection (2) of this section shall not apply to:

10 1. The self-administration of prescribed medications by a resident as
11 directed by a licensed prescriber within his or her scope of practice;

12 2. Verification of abstinence from the use of alcohol, illicit drugs, and
13 other intoxicating substances; or

14 3. The provision of on-site medical and clinical services, including
15 telehealth services and other in-residence services, to an individual
16 residing in a recovery residence by a licensed medical or behavioral
17 health provider provided that:

18 a. The licensed provider is not employed or contracted by the
19 recovery residence unless at least one (1) of the following criteria
20 is met:

21 i. The recovery residence does not receive payment from the
22 licensed provider;

23 ii. The recovery residence makes on-site clinical services
24 available from an outside service provider, but each
25 resident may utilize the clinical service provider of his or
26 her choosing; or

27 iii. The recovery residence is operated by or is a direct

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subsidiary of the licensed provider and the services are provided as part of a continuum of care that can be shown by the recovery residence operator to include step-down facilities with resident-driven length of stay or referral thereof;

- b. The recovery residence has not required or otherwise induced a resident to receive services from a specific provider unless the recovery residence is operated by or is a direct subsidiary of the of the provider and the services are provided as part of a continuum of care that can be shown by the recovery residence operator to include step-down facilities with resident-driven length of stay or referral thereof; and
- c. The licensed provider and the recovery residence shall each, as applicable, comply with 18 U.S.C. sec. 220, 42 U.S.C. sec. 1320a-7b(b), and 42 U.S.C. sec. 1395nn and any amendments thereto.