

1 AN ACT relating to the regulation of recovery residences and declaring an
2 emergency.

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

4 ➔Section 1. KRS 222.504 is amended to read as follows:

5 (1) The cabinet shall:

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

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

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

13 (d) **Require recovery residences to be inspected no less than annually by state**
14 **or local officials capable of ensuring compliance with subsection (1)(a) of**
15 **Section 2 of this Act;**

16 **(e)** Post on its website the name, telephone number, and location by local
17 jurisdiction of each certified recovery residence and shall update the list at
18 least quarterly;

19 ~~**(f)**~~~~**(e)**~~ Post on its website the name of each certifying organization approved by
20 the cabinet; and

21 ~~**(g)**~~~~**(f)**~~ Notify local governments with appropriate jurisdiction of receipt of
22 proof of certification from a recovery residence within thirty (30) days of
23 receipt of proof of certification.

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

26 (3) The cabinet may:

27 (a) In lieu of posting the information required by subsection (1)(d) of this section

- 1 to its website, post a link to another website that aggregates information on
2 certified recovery residences or other information providers; and
- 3 (b) Promulgate administrative regulations in accordance with KRS Chapter 13A
4 to carry out the provisions of this section and KRS 222.500, 222.502,
5 222.506, 222.508, and 222.510.
- 6 (4) If a recovery residence violates any provision of this section, KRS 222.502, or any
7 administrative regulation promulgated thereunder, the cabinet and local
8 governments are hereby granted the authority and legal standing necessary to
9 impose civil fines as permitted under subsection (5) of this section and to initiate
10 appropriate legal action to compel a recovery residence that is operating in violation
11 of KRS 222.502 to cease operating.
- 12 (5) (a) Any certified recovery residence or other person operating a recovery
13 residence who knowingly fails to submit any report, data, or other information
14 as may be required by the cabinet through the promulgation of an
15 administrative regulation or by a local government through the enactment of a
16 local ordinance or who submits fraudulent reports, data, or information may
17 be subject to civil fines established by the cabinet through the promulgation of
18 an administrative regulation or by a local government through the enactment
19 of a local ordinance.
- 20 (b) Any person or entity who knowingly establishes, maintains, or operates an
21 uncertified recovery residence in violation of KRS 222.502 may be subject to
22 civil fines established by the cabinet through the promulgation of an
23 administrative regulation or by a local government through the enactment of a
24 local ordinance.
- 25 (6) Notwithstanding any law to the contrary, a recovery residence that furnishes proof
26 of current certification from a certifying organization to a local government shall be
27 presumed by the local government to be in compliance with this section and KRS

1 222.500, 222.502, 222.506, 222.508, and 222.510.

2 ➔Section 2. KRS 222.506 is amended to read as follows:

3 (1) A recovery residence shall:

4 (a) **Comply with all state and local zoning, building code, and fire safety laws,**
 5 **administrative regulations, and ordinances;**

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

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

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

10 3. If the recovery residence is exempt from certification pursuant to KRS
 11 222.502(1)(b), notice that the recovery residence is exempt from
 12 certification requirements;

13 ~~(c)~~~~(b)~~ Require residents to abstain from the use of alcohol, illicit drugs, and
 14 other intoxicating substances;

15 ~~(d)~~~~(e)~~ Require residents to participate in recovery support services including
 16 through a peer-to-peer supervision model; and

17 ~~(e)~~~~(d)~~ Allow individuals who are receiving medication for addiction treatment
 18 to continue to receive such treatment while residing in the recovery residence
 19 as directed by a licensed prescriber.

20 (2) A recovery residence shall not:~~;~~~~;~~

21 (a) Except as permitted under subsection (3) of this section, directly provide any
 22 medical or clinical services including on-site medication administration; **or**

23 (b) **Be occupied by or provide housing to more than the lesser of the following:**

24 **1. Two (2) residents per bedroom; or**

25 **2. One (1) resident per five hundred (500) square feet of living space.**

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 resident
25 may utilize the clinical service provider of his or her
26 choosing; or
 - 27 iii. The recovery residence is operated by or is a direct

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

6 b. The recovery residence has not required or otherwise induced a
7 resident to receive services from a specific provider unless the
8 recovery residence is operated by or is a direct subsidiary of the
9 provider and the services are provided as part of a continuum of
10 care that can be shown by the recovery residence operator to
11 include step-down facilities with resident-driven length of stay or
12 referral thereof; and

13 c. The licensed provider and the recovery residence shall each, as
14 applicable, comply with 18 U.S.C. sec. 220, 42 U.S.C. sec. 1320a-
15 7b(b), and 42 U.S.C. sec. 1395nn and any amendments thereto.

16 ➔Section 3. KRS 222.510 is amended to read as follows:

17 **(1) Notwithstanding any other provision of law to the contrary, a local government**
18 **may enact ordinances requiring an individual or entity seeking to establish a**
19 **recovery residence to provide notice to all property owners within one thousand**
20 **(1,000) feet of the property on which the individual or entity intends to operate a**
21 **recovery residence. Local ordinances requiring notification to neighboring**
22 **property owners as permitted under this subsection may require notification up to**
23 **six (6) months prior to the date on which the individual or entity intends to begin**
24 **operating a recovery residence.**

25 **(2) Except as provided in subsection (1) of this section,** nothing in KRS 222.500 to
26 222.510 shall be interpreted or construed to alter, amend, or otherwise infringe
27 upon a local government's authority to regulate the use of property through properly

1 enacted land use laws pursuant to KRS Chapter 100, rental property regulations, or
2 any other local government authority provided under the law.

3 ➔Section 4. Whereas the proliferation of recovery residences in communities
4 across the Commonwealth poses a potential risk to the safety and welfare of countless
5 neighborhoods and may have a significant negative impact on property values in areas
6 with a heavy concentration of recovery residences, an emergency is declared to exist, and
7 this Act takes effect upon its passage and approval by the Governor or upon its otherwise
8 becoming a law.