

1           AN ACT relating to recovery residences.

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

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

4    (1) The cabinet shall:

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

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

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

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

15          (e) Post on its website the name of each certifying organization approved by the  
16           cabinet; ~~and~~

17          (f) Notify local governments with appropriate jurisdiction:

18           1. Within thirty (30) days of receipt of:

19           a. Proof from a recovery residence that it has initiated a  
20           certification process with a certifying organization in accordance  
21           with KRS 222.502(2)(b); and

22           b. Proof of certification from a recovery residence;

23           2. Of any civil fines imposed by the cabinet on a recovery residence  
24           within thirty (30) days of the action taken; and

25           3. Upon receipt, of contact information for each recovery residence,  
26           including the:

27           a. Name and phone number of the owner;

1                   **b. Name, phone number, and email address of the primary contact;**

2                   **and**

3                   **c. Name, phone number, and address of the residence; and**

4                   **(g) Consider the information in paragraph (f) of this subsection to be a public**

5                   **record under KRS 61.870 to 61.884 and open to public inspection during all**

6                   **normal business hours and times**~~of receipt of proof of certification from a~~

7                   ~~recovery residence within thirty (30) days of receipt of proof of certification~~**].**

8                   (2) ~~The cabinet shall not disclose the address of a recovery residence except to local~~

9                   ~~governments, local law enforcement, and emergency personnel.~~

10                  (3) ~~]The cabinet may:~~

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

12                  to its website, post a link to another website that aggregates information on

13                  certified recovery residences or other information providers; and

14                  (b) Promulgate administrative regulations in accordance with KRS Chapter 13A

15                  to carry out the provisions of this section and KRS 222.500, 222.502,

16                  222.506, 222.508, and 222.510.

17                  (3)~~(4)~~ If a recovery residence violates any provision of this section, KRS 222.502, or

18                  any administrative regulation promulgated thereunder, the cabinet and local

19                  governments are hereby granted the authority and legal standing necessary to

20                  impose civil fines as permitted under subsection ~~(4)~~(5)~~~~ of this section and to

21                  initiate appropriate legal action to compel a recovery residence that is operating in

22                  violation of KRS 222.502 to cease operating.

23                  (4)~~(5)~~ (a) Any certified recovery residence or other person operating a recovery

24                  residence who knowingly fails to submit any report, data, or other information

25                  as may be required by the cabinet through the promulgation of an

26                  administrative regulation or by a local government through the enactment of a

27                  local ordinance or who submits fraudulent reports, data, or information may

1                   be subject to civil fines established by the cabinet through the promulgation of  
2                   an administrative regulation or by a local government through the enactment  
3                   of a local ordinance.

4                   (b) Any person or entity who knowingly establishes, maintains, or operates an  
5                   uncertified recovery residence in violation of KRS 222.502 may be subject to  
6                   civil fines established by the cabinet through the promulgation of an  
7                   administrative regulation or by a local government through the enactment of a  
8                   local ordinance.

9                   (5)(6) Notwithstanding any law to the contrary, a recovery residence that furnishes  
10                  proof of current certification from a certifying organization to a local government  
11                  shall be presumed by the local government to be in compliance with this section  
12                  and KRS 222.500, 222.502, 222.506, 222.508, and 222.510.

13                  ➔ Section 2. KRS 222.510 is amended to read as follows:

14                  (1) Nothing in KRS 222.500 to 222.510 shall be interpreted or construed to alter,  
15                  amend, or otherwise infringe upon a local government's authority to regulate the use  
16                  of property through properly enacted land use laws pursuant to KRS Chapter 100,  
17                  rental property regulations, or any other local government authority provided under  
18                  the law.

19                  (2) Local governments with appropriate jurisdiction may maintain a registry of  
20                  recovery residences, including the information listed in subsection (1)(f) of  
21                  Section 1 of this Act. The registry shall be considered a public record under KRS  
22                  61.870 to 61.884 and open to public inspection during all normal business hours  
23                  and times.