



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: DPA/SE 8-0-2-0

HB 2317: continuing care; automated external defibrillators

S/E: sober living homes

Sponsor: Representative Gress, LD 4

Caucus & COW

Summary of the Strike-Everything Amendment to HB 2317

Overview

Makes modifications relating to the licensing, oversight and regulations of sober living homes. Increases the cap on civil penalties for violations of sober living homes from \$500 to \$1,000. Repeals certified sober living homes.

History

A sober living home is any premises, place or building that provides alcohol-free or drug free-housing that: 1) promotes independent living and life skills development; 2) may provide activities that are directed primarily toward recovery from substance use disorders; 3) provides a supervised setting to a group of unrelated individuals who are recovering from substance use disorders; and 4) does not provide any medical or clinical services or medication administration on-site, except for verification of abstinence ([A.R.S. § 36-2061](#)).

The Arizona Department of Health Services (DHS) is required to adopt rules to establish minimum standards and requirements for the licensure of sober living homes in Arizona that are necessary to ensure the public health, safety and welfare. The DHS Director may use the current standards adopted by any recognized national organization approved by DHS as guidelines in prescribing the minimum standards and requirements. Statute outlines the minimum standards necessary for the DHS Director to adopt for sober living homes. A person operating a sober living home in Arizona that has failed to attain or maintain licensure must pay a civil penalty of \$1,000 per violation ([A.R.S. § 36-2062](#)).

On determination by the DHS Director that there is reasonable cause to believe a sober living home is not adhering to the licensing requirements, the DHS Director and any duly assigned DHS employee or agent may enter the premises of the sober living home at any reasonable time to determine the home's state of compliance. If an inspection reveals that the sober living home is not adhering to the licensing requirements, the DHS Director may take action. Any sober living home whose license has been suspended or revoked is subject to inspection on application for relicensure or reinstatement of a license. The DHS Director may impose a civil penalty on a person that violates any sober living home regulations in an amount of not more than \$500 for each violation ([A.R.S. § 36-2063](#)).

A sober living home that is certified by a certifying organization may operate and receive referrals. A sober living home certification is in lieu of licensure until the sober living home is licensed. A certified sober living home must apply to DHS for licensure within 90 days after

DHS's initial licensing rules are final. DHS must notify the certifying organization when the initial licensure rules are final. In lieu of an initial on-site licensure survey and any annual on-site survey, DHS must issue a license to a sober living home that submits an application prescribed by DHS and that meets the following requirements: 1) is currently certified as a sober living home by a certifying organization; and 2) meets all department licensure requirements ([A.R.S § 36-2064](#)).

Provisions

1. Requires DHS standards and requirements for the licensure of sober living homes to include policies and procedures to implement if a license is suspended or revoked or a cease-and-desist notice is issued. (Sec. 2)
2. Instructs DHS to obtain documentation from the local jurisdiction of a sober living home verifying compliance with all local zoning, building, fire and licensing ordinances and rules before approving:
 - a) a license or license renewal;
 - b) any proposed change in the maximum number of residents; or
 - c) any construction or modification of the sober living home. (Sec. 2)
3. Requires DHS to identify on each license the maximum number of unrelated residents who are allowed to live in the sober living home, including any manager or other staff living on the premises. (Sec. 2)
4. Requires DHS or its third-party contractor to conduct a physical, on-site inspection of a sober living home to verify compliance with sober living home regulations:
 - a) before approving a license or license renewal, any proposed change in the maximum number of residents or any construction or modification of a sober living home;
 - b) at least annually for each sober living home; and
 - c) promptly on determination by the DHS Director that reasonable cause exists that a sober living home is not adhering to sober living home regulations. (Sec. 4)
5. Prohibits licensure applicants from self-attesting to compliance in lieu of an inspection. (Sec. 4)
6. Requires DHS to complete an investigation of a sober living home that is the subject of a complaint within 30 calendar days after receiving a complaint that identifies an alleged violation. (Sec. 4)
7. Requires DHS or its third-party contractor to conduct a physical, on-site inspection of a sober living home if it is determined that there is reasonable cause to believe the sober living home is not adhering to the sober living home regulations. (Sec. 4)
8. Raises the cap on civil penalties for violations of sober living homes from \$500 to \$1,000. (Sec. 4)
9. Requires the DHS Director, upon determining a person has violated sober living home regulations, to deny the application, request for a change affecting the license or both. (sec. 4)
10. Permits the DHS Director, if an investigation reveals a licensee has committed a violation, to either:
 - a) suspend or revoke the license; or
 - b) promptly serve the licensee a notice requiring the person to cease and desist from operating the sober living home within 10 days. (sec. 4)

11. Requires a cease-and-desist notice to state that the licensee may make a written request for a hearing before the DHS Director or their designee. (Sec. 4)
12. Permits DHS to request the county attorney with jurisdiction over a sober living home that fails to cease operations to enforce the law. (Sec. 4)
13. Permits DHS to notify the Attorney General, who must immediately seek a restraining order and an injunction against the sober living home. (Sec. 4)
14. Asserts that a person who continues to operate a sober living home without a license 10 days after receiving a notice is guilty of a class 1 misdemeanor. (Sec. 4)
15. Instructs the DHS Director, on determination that reasonable cause exists that a person is operating a sober living home without a license, to serve a cease-and-desist order. (Sec. 4)
16. Requires a person subject to a cease-and-desist order to provide clear and convincing evidence to the DHS Director that the premises, place or dwelling unit was not intended primarily for housing individuals recovering from or receiving treatment for a disability or disorder related to alcohol, drug or substance use. (Sec. 4)
17. Directs DHS, within 10 days of receiving a complaint from a political subdivision of the state, to notify the political subdivision of the complaint's status. (Sec. 4)
18. Requires DHS or its third-party contractor, within 10 calendar days after completion of an investigation, to provide the applicable political subdivision with its findings, including copies of investigative reports, all penalties and sanctions imposed and enforcement actions taken. (Sec. 4)
19. Prohibits DHS from contracting with any owner, operator, administrator or association of sober living homes. (Sec. 4)
20. Requires third-party contractors to be paid from the Health Services Licensing Fund. (Sec. 4)
21. Requires DHS, on request, to disclose the address of a sober living home to a third-party contractor of DHS. (Sec. 7)
22. Instructs DHS to notify a local jurisdiction of all applications for licensure and renewal and all requests for changes affecting a sober living home in that jurisdiction within 10 calendar days of receipt of an application for licensure, licensure renewal or request for changes. (Sec. 7)
23. Requires DHS to include in its annual report the number of complaints against licensed sober living homes:
 - a) received by DHS each year;
 - b) investigated by DHS or its third-party contractor; and
 - c) that resulted in inspections by DHS or its third-party contractor. (Sec. 8)
24. Requires DHS, annually on January 2, to submit to the Health and Human Services Committees of the Senate and House of Representatives, or their successor committees, a report on sober living homes that are required to be licensed, but are not, including the number of applicable:
 - a) complaints received;
 - b) complaints that were investigated and inspected by DHS or its third-party contractor;and

- c) enforcement actions taken. (Sec. 8)
25. Asserts that the Legislature recognizes the need to protect the public from unscrupulous operators of sober living homes and finds and determines that strict compliance with and enforcement of the requirements of state law are necessary and required to ensure the public health, safety and welfare. (Sec. 3)
26. Redefines *sober living home* as any premises, place or dwelling unit that is used for individuals recovering from alcohol or drug addiction and provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining drug addiction services and other drug addiction assistance. (Sec. 1)
27. Repeals certified sober living homes. (Sec. 5)
28. Defines terms. (Sec. 1)
29. Makes technical and conforming changes. (Sec. 1, 2, 4, 6-8)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note