

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 783 entitled “An act relating to recovery residences”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 18 V.S.A. § 4812 is added to read:

8 § 4812. RECOVERY RESIDENCES

9 (a) Definition.

10 (1) As used in this section, “recovery residence” means a shared living
11 residence supporting persons recovering from a substance use disorder that:

12 (A) provides residents with peer support, an environment free from
13 alcohol and the illegal use of prescription drugs or other illegal substances, and
14 assistance accessing support services and community resources available to
15 persons recovering from substance use disorder; and

16 (B) is certified by an organization that is an affiliate of the National
17 Alliance for Recovery Residences and adheres to the national standards
18 established by the Alliance or its successor in interest.

19 (2) As used in this section, “the illegal use of prescription drugs” refers
20 to the use of prescription drugs by a person who does not hold a valid
21 prescription for that drug or in an amount that exceeds the dosing instructions.

1 (b) Voluntary arrangement. The decision to live in a recovery residence
2 shall be voluntary and shall not be required or mandated by any private or
3 public entity or individual. The State shall not subject any individual to
4 incarceration, penalty, or sanction based solely on temporary removal or
5 termination from a recovery residence.

6 (c) Compliance.

7 (1) Residential rental agreement. Upon admission to a recovery
8 residence, the operator of the residence and the resident, with or without a
9 support person present, shall develop a written agreement signed by both
10 parties which may be amended as deemed necessary and appropriate by the
11 parties and which includes, at a minimum, the following terms:

12 (A) the recovery residence’s rules, a statement that the signatories
13 shall comply with the rules, and an explanation of the consequences of not
14 complying with the rules;

15 (B) provisions covering the action that shall be taken should the
16 resident return to the use of alcohol, illegal substances, or the illegal use of
17 prescription drugs, including information as to where the resident shall be
18 housed in the event of a reoccurrence;

19 (C) payment requirements, including any security deposit, advance,
20 deposit, or prepaid rent, however named, and any policy regarding their return;
21 and

1 (D) any requirements regarding advance notice of intention to leave
2 the residence.

3 (2) Temporary removal. Notwithstanding 9 V.S.A. §§ 4463 and 4464,
4 a recovery residence shall develop policies and procedures for the removal of a
5 resident who is under the influence of alcohol, illegal substances, or the illegal
6 use of prescription drugs or who has been engaging in violent or threatening
7 behavior. The policies shall:

8 (A) provide written notice of the reason for temporary removal and
9 actions the residents shall take to either avoid temporary removal or to be
10 readmitted after temporary removal;

11 (B) provide harm reduction strategies; and

12 (C) require that any action taken be consistent with the terms of the
13 resident’s most recent reoccurrence agreement unless that is not possible.

14 (3) Termination. Notwithstanding 9 V.S.A. §§ 4467 and 4468, a
15 recovery residence shall have policies and procedures for removal and
16 permanent termination of residents for violation of the policies of the recovery
17 residence. The policies shall provide that:

18 (A) the termination process shall not commence for use of alcohol,
19 illegal substances, or the illegal use of prescription drugs unless:

20 (i) the resident failed to accomplish the steps required by the
21 temporary removal; and

1 (ii) the operator has contemporary drug test results that have been
2 verified by a laboratory approved by the State;

3 (B) written notice of the intent to terminate shall include the reason
4 for removal and termination and actions required by the resident for the
5 resident to avoid removal;

6 (C) an internal review process shall provide:

7 (i) that the decision to remove be reviewed by a person other than
8 the original decisionmaker or a subordinate of the original decisionmaker,
9 which could be a representative of the National Alliance for Recovery
10 Residences or its successor in interest;

11 (ii) an opportunity for the resident to present evidence as to why
12 the resident should not be removed; and

13 (iii) for prompt written notice of a final decision; and

14 (D) the resident is not precluded from future services solely based on
15 reoccurrence.

16 (4) Drug testing. A recovery residence shall have policies to ensure
17 that:

18 (A) drug testing is fairly implemented to ensure that a resident is not
19 targeted for testing without a substantial reason to believe that the resident is
20 using alcohol, illegal substances, or illegally using prescription drugs; and

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on July 1, 2020.

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10 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE