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California State Senate

SENATOR
PATRICIA C. BATES
THIRTY-SIXTH SENATE DISTRICT



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LEGISLATIVE ETHICS

June 19, 2017

Mayor Wendy Bucknum
City of Mission Viejo
200 Civic Center
Mission Viejo, CA 92694

Dear Mayor Bucknum,



As you may know, the *Orange County Register* (Southern California News Group) recently published an extensive three-part series on the drug rehabilitation industry in Southern California.

This series highlights the challenges that we have had to confront regarding the regulation of alcohol and drug rehabilitation centers and sober living homes. It highlights the need for the state and federal governments to act wisely to respond to legitimate local concerns. I highly recommend reading the series and sharing it with your colleagues, constituents and others who might be interested. The series can be read online at <http://www.ocregister.com/2017/05/21/how-some-southern-california-drug-rehab-centers-exploit-addiction/>.


The status quo is not acceptable for those struggling to stay sober and for everyone else who is affected by the overconcentration of these centers and homes. I am working with stakeholders – especially state and federal officials – to address the issues raised in the series.

We must help those struggling with addiction to receive the treatment they need in order to put them on the path to sobriety, but in a way that also uses tax dollars efficiently and keeps neighborhoods safe. For your reference, I have attached legislation this year that attempts to provide some meaningful oversight over these centers and homes in California. Unfortunately, my Senate Bill 34 failed to advance this year as well other bills.

Nevertheless, I will continue my efforts to break through the roadblocks that have prevented many legislative efforts regarding drug rehabilitation centers and sober living homes from becoming law. Communities who have raised concerns regarding public safety and quality of life issues must be heard. I hope the *OC Register's* series will encourage my legislative colleagues in Sacramento to act with greater urgency to make meaningful progress. I have already shared the series with the Senate President Pro Tem and the chair of the Senate Health Committee.

Thank you for your efforts on this issue. I will continue to work with all stakeholders to do what we can to preserve the safety of our communities, and keep you informed of our efforts at both the state and federal levels.

Sincerely,


PATRICIA C. BATES
Senator, 36th District

cc: City Manager Dennis Wilberg

Sober Living Home Bills for 2017-18 Session

As of May 24, 2017

SB 34 (Bates, 2017), Died in Sen Approps: "RTF Guidelines" Senate Bill 34 directs the Department of Health Care Services to develop guidelines on how it should report to the Legislature regarding overconcentration impacts on patients and neighborhoods.

AB 1095 (Harper, 2017), 2-year bill in Asm Health: "Changing zoning for overconcentration of sober living home areas" Assembly Bill (AB) 1095 will allow local governments to zone integral facilities, which are two or more "6 and under" licensed treatment homes, similar to "7 and over" licensed treatment homes, if they operate in a campus like environment. This would include sharing meal services, treatment, counseling sessions, transit, management, etc.

AB 285 (Melendez, 2017), in Asm Approps: "Certification for SLHs" The bill would authorize a drug and alcohol free residence to demonstrate its commitment to providing a supportive recovery environment by applying and becoming certified by an approved certifying organization that is approved by the State Department of Health Care Services.

AB 572 (Quirk-Silva, 2017), in Asm Approps: SPONSORED BY ACC-OC. "SLH Investigator for OC" This bill would require the State Department of Health Care Services to establish a pilot program to locate an investigator within a participating county to investigate complaints against licensed adult alcoholism or drug abuse recovery or treatment facilities within the county. The participating county would be the County of Orange if the Orange County Board of Supervisors elects to participate in the pilot program.

SB 636 (Bradford, 2017), 2-year bill in Sen Health: "Prohibiting Kickbacks" This bill would prohibit any alcohol drug treatment program or any certified alcohol drug counselor from offering, delivering, receiving, or accepting any rebate, refund, commission, preference, patronage dividend, discount, or other consideration, as compensation for referring patients, clients, or customers to any person or licensed program. A violation of these provisions would be a misdemeanor and would also be punishable by a fine not exceeding \$2,500 per violation.

SB 786 (Mendoza, 2017), 2-year bill in Sen Health: "300 Feet Rule" This bill would require, for any licensing application submitted on or after January 1, 2018, the department to deny an application for a new facility license, if the proposed location is in proximity (300 feet) to an existing facility in an area zoned residential that would result in overconcentration, as defined.

AB 700 (Jones-Sawyer, 2017), in Asm Approps: "Creating Scope of Practice for substance use disorder counselors" This bill would establish a scope of practice and career ladder for substance use disorder counseling, as defined, to be maintained by the State Department of Health Care Services. The bill would require any person who engages in the practice of SUD counseling to be certified by a certifying organization.

Sober Living Home Bills in 2016

SB 1283 (Bates, 2016), Died in Sen Health: "Allows Locals to Enact Ordinances" Authorizes a city, county, or city and county to enact an ordinance to register, as specified, structured sober living homes (SLHs), as defined, consistent with specified state and federal law, and with specified exclusions; defines a "structured sober living home" as any premises, place, or building that provides groups of unrelated adults recovering from drug or alcohol addiction with alcohol-free and drug-free housing, promotes independent living and life skill development, and provides structured activities that are directed primarily toward recovery from substance use disorders in a supervised setting.

AB 2255 (Melendez, 2016), Died in Asm Approps: "SLH Certification" AB 2255 would provide that a residence housing those purporting to be recovering from drug or alcohol abuse would be presumed to be a SLH if it has been certified, registered, or approved by a state-recognized nonprofit organization, which would be required to establish minimum standards for SLHs, including protocols to address suspected drug and alcohol abuse or to report the death of a resident.

AB 2403 (Bloom, 2016), Died in Asm Approps: "Notification to Cities and Counties" AB 2403 requires the Department of Health Care Services to give notice to cities and counties within their jurisdiction regarding the application process in acquiring licenses for adult recovery or treatment programs for alcoholism and drug abuse. It allows the cities or counties to request denial of the licenses applied for based upon distancing requirements. The purpose is to prevent overconcentration of multi-structure facilities in residential neighborhoods with the aim of maintaining the purpose and integrity of neighborhood care programs.

AB 2772 (Chang, 2016), Died in Asm Public Safety: "Can Only Choose Licensed Facilities for Treatment" AB 2772 alters current law when ordering a defendant to partake in treatment at an alcoholism and drug abuse treatment facility so they may only select a facility that is licensed through the Department of Healthcare Service (DHCS) and is in compliance with any local regulations.