

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-5149

Title: AN ACT CONCERNING SOBER LIVING HOMES.

Vote Date: 3/26/2018

Vote Action: Joint Favorable Substitute

PH Date: 2/28/2018

File No.: 348

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

To permit sober living homes to register with the Department of Mental Health and Addiction Services.

This bill permits a sober living home certified by the National Association of Recovery Residences to report its certified status to DMHAS. A home that does so must also provide DMHAS with the number of available beds it has at the time of its report and upon the Department's request.

The bill also requires DMHAS to post on its website a list of these certified sober living homes, as well as the number of available beds at each home. The Department must update this information daily.

Under the bill, a "sober living home" is an alcohol and drug-free residence where (1) unrelated adults who are recovering from substance use disorder choose to live together in a supportive environment during their recovery and (2) no formal substance use disorder treatment services are provided.

RESPONSE FROM ADMINISTRATION/AGENCY:

Commissioner Miriam Delphin-Rittmon, State of Connecticut Department of Mental Health and Addition Services (DMHAS): 60,000 people sought treatment for substance abuse through DMHAS in 2017. Sober homes provide affordable housing to those leaving residential treatment and seeking a transitional residence where sobriety is upheld on a voluntary basis. Sober housing is not a treatment.

While DMHAS is supportive of the intent of this bill, the Department has concerns regarding language in the proposed bill that could potentially violate the privacy of sober home residents. The Department also has concerns regarding the criteria for managing sober home registration. Monitoring the criteria established in the bill to ensure compliance or determine if revocation is necessary will not be possible with the Department's existing resources.

Over the past year, voluntary coalitions of the operators of sober homes have been working together to ensure these residences meet established criteria, as well as protecting people from unscrupulous sober home owners. The Department believes that the efforts of this collaboration of sober home operators will yield better results than the registry proposed in this bill.

It should also be noted that DMHAS, in an effort to address the opioid addiction crisis, will continue its efforts to work closely with sober home operators who express an interest in acquiring Narcan and participating in training about medication.

Cheryl A. Sharp, Deputy Director, Connecticut Commission on Human Rights and Opportunities (CHRO): CHRO expressed concern regarding HB 5149, specifically the registration component which would force individuals with various disabilities to reveal their presence in a neighborhood. This is in opposition to the purpose of both state federal housing laws.

Fair housing laws allow sober living homes to be established in quiet, safe neighborhoods which are the most beneficial for those in recovery. CHRO often hears from those seeking safe and reliable shelter facing difficulties when seeking quality housing. Some sober living homes have been forced to litigate against discrimination in situations where a town or municipality refused to grant zoning permits to a proposed sober living home. CHRO urges the legislature to keep these issues in mind when proposing legislation regarding sober homes.

Mayor Michael Passero, City of New London: New London has been affected by the opioid crisis with 16 fatal opioid incidents and 187 non-fatal recorded for 2016-2018. We recognize that there is a pressing need to provide services to those in recovery; however, it is very concerning that sober homes have absolutely no oversight, accountability, or standards of operation other than those concerning the physical structure such as health, building, and fire codes. Often, our city is not aware of the existence sober home until there is either a fatality or other interaction with police. The proposed bill is an important step in requiring all sober homes to be held to an acceptable standard.

The Mayor also supports the creation of a registry as a way to ensure that opioid antagonists are always kept on premises. He notes that similar legislation was passed in Massachusetts yielding great success.

The Mayor also suggested that government money should be given only to homes that are certified and maintain recognized standards of practice and support an effective recovery environment.

Mayor Elinor Carbone, City of Torrington: The Mayor supports the proposed bill. Not all sober homes meet the standards of being a safe, regulated environment equipped with staff that is able to support individuals in their search for sobriety. The creation of a registry as well as the requirement that an opioid antagonist be available on premises at all times is a step in the right direction.

House Republican Office, Connecticut General Assembly: The House Republican Caucus is in support of the intent of HB 5149 to regulate the sober home industry. However, the caucus would like to put forth a proposal for consideration as the final language of the bill is discussed. We recommend that the committee consider a law recently enacted in Massachusetts that could serve as a model for the registering and monitoring of sober homes. The legislation passed in Massachusetts has been very successful in requiring sober homes adhere to a high level of quality benchmarks and goals which include evaluating and assisting residents in achieving their goal of recovery. We urge the committee to move the bill to the Floor of the House for further discussion.

Representative Stephanie Cummings, 74th District, Connecticut General Assembly: Representative Cummings expressed concern with the language of the bill. The bill requires that Narcan be kept on the premises of any sober home but does not define how much Narcan must be kept on premises, who is responsible for maintaining records concerning the opioid antagonist such as when it should be replaced, actions if the Narcan is misused, and what safeguards are in place to ensure the safe dosage is administered.

She urged the committee to examine the language in the bill carefully before moving the bill forward.

Representative Chris Soto, 39th District, Connecticut General Assembly: There was an attempt to pass similar legislation last year, and as I supported it then, I support HB 5149 now. Last year I ended my testimony with, "...this legislature must act or people will continue to die..." People have continued to perish from this opioid epidemic and we must move HB 5149 forward to put an end to this crisis.

Please see testimony for suggested language substitution.

Richard Gentile, Assistant Corporation Counsel, Town of East Hartford: Sober living homes provide a structured, safe environment for those seeking recovery. The purpose of HB 5149 is to merely provide a vessel for certain facilities to register with DMHAS, which would provide critical information to Connecticut.

While Mayor Leclerc urges the committee to favorably report on this bill, she does ask that consideration be given to additional language to clarify how DMHAS would be able to share certain information.

NATURE AND SOURCES OF SUPPORT:

David Knauf, Co-Chair, The Connecticut Association of Directors of Health (CADH) Advocacy Committee: Submitted testimony in support of the bill and ensuring there is protection for residents of homes, their families and the communities they are a part of. Currently there are no operating standards or guidelines and since residents of these homes

are subject to the Americans with Disabilities Act (ADA), they are exempt from zoning regulations and are not subject to oversight. Regulation is needed to prevent opioid induced fatalities and community disruption.

The Connecticut Conference of Municipalities (CCM): submitted testimony in support of the bill which would provide greater oversight and awareness of sober homes. It is difficult to estimate how many homes are across the State since there is no registration process. This bill would create a voluntary registry through DMHAS assisting individuals, as well as communities, to locate sober homes and to have a point of contact with staff. CCM believes language should be added to provide a mechanism to allow DMHAS to share the facility point of contact with either the municipal CEO or police chief.

Jerald Dana Cole, Director, Oxford House of Connecticut: submitted testimony in support of the bill and asked the committee to consider several attached exhibits, which outline the former “Certified Sober Housing Vendor” certification of DMHAS and the National Alliance for Recovery Residences (NARR) certification. Jerald recommends the endorsement of a peer-supported certification program and suggested The Connecticut Coalition of Recovery Residences (CCORR) should oversee the process. Please see testimony to view attachments.

Ron Remer, Hamden, CT: submitted testimony in support of the bill. The legislation will regulate and provide oversight to the homes. Currently, any small operation can exist as a sober home giving the impression that treatment occurs in a particular living environment. Often this misleading representative is expensive and ineffective for the individuals involved and could be detrimental to their recovery.

Shatona Harrison, Student, Southern Connecticut State University: submitted testimony in support of the bill, believing it will allow people the opportunity to become effective members of society. A supportive environment may allow individuals the chance to gain a better confidence and change their lives for the better.

Margaret Watt, Executive Director, Southwest Regional Mental Health Board: Creating a registry where residents of sober living homes will have to share their information will be discriminatory. However, if this concern is addressed, there is support for individuals and families to know where quality homes exist.

Section (b) covers access to opioid antagonists; however, DMHAS does not have the current capabilities to train and monitor every home for Narcan kits and train those who would administer.

Please consider clarifying the language for HB 5149 before this bill moves forward.

Along with the above testimony, two individuals additionally testified in support to HB 5149.

NATURE AND SOURCES OF OPPOSITION:

Ben Shaiken, Manager of Advocacy & Public Policy, CT Community Nonprofit Alliance: The Alliance supports efforts to promote a voluntary certification program for sober homes;

however we are opposed to any efforts to create a municipal registry of sober homes or any other congregate care setting. Nonprofits already work with DPH, DMHAS, the Department of Correction, as well as additional state agencies, and comply with their regulations and requests.

We are opposed to any legislation that would violate an individual's right to live freely in the community and would reinforce stereotypes about people in recovery.

Greg Kirschner, Legal Director, Connecticut Fair Housing Center: Although HB 5149 casts an impression that registering with DMHAS would be optional, it acts as a requirement as, "no residence that does not register with the department as a sober living home may advertise or hold itself out as a sober living home in the state." By doing so, Connecticut impedes on the rights and privacy of its residents in recovery; as well as the First Amendment.

If HB 5149 is enacted, residents and providers of sober homes would be faced with a choice: either register and disclose their disability status and location to Connecticut (potentially anyone seeking this information through the Freedom of Information Act) or lose their right to advertise as a sober living option.

Along with the above testimony, five individuals additionally testified in opposition to HB 5149.

Reported by: Anne Gallagher

04/13/2018