SPONSOR: Rep. K. Johnson & Rep. Longhurst & Sen. Poore &
Rep. Bolden & Rep. Briggs King & Sen. Townsend
Reps. Baumbach, Bentz, Chukwuocha, K. Williams

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 245

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RECOVERY HOUSING ACCREDITATION AND LICENSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2203, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and re-designate accordingly:

§ 2203 Definitions.

( ) "Recovery housing" means housing for individuals recovering from substance use disorders that provides a safe and supportive substance-free environment, which may include peer support and other recovery support services.

Section 2. Amend Chapter 22, Title 16 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2233 Recovery Housing.

(a) The Division of Substance Abuse and Mental Health of the Department of Health and Social Services, shall, subject to the express provisions of other sections under this chapter:

(1) Have the authority to license all recovery housing with approval of the Secretary. Additionally, the Secretary may restrict, condition, limit and set the term of the license of recovery housing as may be reasonable or prudent.

(2) Promulgate rules and regulations with the approval of the Secretary for the implementation of the authority and responsibilities within this section, including all of the following:

a. Setting fees for recovery housing licensure.

b. Creating policies regarding good neighbor conduct.

c. Creating policies regarding resident safety.

d. Implementing a process to review complaints, including complaints by residents of the recovery housing, brought against recovery housing regulated by the Division.

e. Creating a policy to inform residents of the recovery housing of the complaint process under § 2233(2)d., specifically for the recovery housing where they are residing.

23 e. Collecting data on licensed recovery housing for quality improvement and technical assistance,
24 including:
25 1. Demographics.
26 2. Length of stay in recovery housing.
27 3. Destination upon vacating recovery housing.
28 4. Any other criteria the Division sees fit.
29 (3) Have the authority to establish rules and regulations for compliance and to sanction recovery housing for
30 non-compliance with the Division's rules and regulations, including revocation and suspension of a recovery housing
31 license.
32 (4) Employ or dismiss any employee necessary to carry out the Division's responsibilities in accordance with
33 this section.
34 (b) Without a license, no recovery housing may:
35 (1) Receive referrals from an agency or court of the State, or any entity that has a contract with the State.
36 (2) Obtain State, local or federal government funding to deliver recovery housing services.
37 (3) Receive referrals for residents whose treatment was funded by the State, local or federal government.
38 (4) Advertise, represent, or imply that they are licensed or accredited by the Division.
39 (c) Any licensee that violates subsection b(2) or b(4) of this section shall be fined no less than $5,000.
40 (d) No State agency, court, or vendor with a State contract to provide treatment or services to an individual, or a
41 State agency or officer setting terms and conditions for the release, parole, or discharge of an individual from custody or
42 treatment, shall refer that individual to recovery housing, nor otherwise include in such terms and conditions a referral to
43 recovery housing unless the recovery housing is licensed pursuant to this section.
44 Section 3: This Act is known as the "Matthew D. Klosowski Act".
45 Section 4: This Act shall go into effect upon promulgation of final rules and regulations by the Division to
46 implement Section 1 or on January 1, 2022, whichever is earlier.

SYNOPSIS

This bill creates licensing for recovery housing, which is housing for individuals recovering from substance use disorders that provides a safe and supportive substance-free environment and that may include peer support and other recovery support services. Right now recovery housing has no oversight although DSAMH has broad authority to license any setting that treatment is provided. This bill creates guidelines for the Division to actually oversee recovery housing and for recovery housing to obtain licensure by the Division.