

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 739

By Senator Helton

[Introduced March 12, 2025; referred
to the Select Committee on Substance Use Disorder and
Mental Health; and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §16-59-1 and §16-59-2 of the Code of West Virginia, 1931, as
2 amended; to amend the code by adding a new section, designated §16-59-1a; and to
3 repeal §16-59-4 of the code, relating to recovery residences; setting forth legislative
4 findings; removing data collection and required documentation from registered recovery
5 residences; and repealing mandatory registration of recovery residences.

Be it enacted by the Legislature of West Virginia:

ARTICLE 59. CERTIFICATION OF RECOVERY RESIDENCES.

§16-59-1. Definitions Legislative findings.

1 Definitions —

2 As used in this article, the term:

3 "Certificate of compliance" means a certificate that is issued to a recovery residence by the
4 department's appointed certifying agency.

5 "~~Certified recovery residence~~" means a recovery residence that holds a valid certificate of
6 compliance.

7 "~~Director~~" means the Director of the Office of Health Facility Licensure and Certification, or
8 his or her designee.

9 "~~Department~~" means the Department of Human Services.

10 "~~Immediate jeopardy~~" means an issue of non-compliance that places the health and safety
11 of residents of the recovery residence at risk for serious injury, serious harm, serious impairment,
12 or death.

13 "~~Inspector General~~" means the Inspector General of the Office of the Inspector General as
14 described in §16B-2-1 of this code.

15 "~~Recovery residence~~" means a single family, drug-free, and alcohol-free residential
16 dwelling unit, or other form of group housing, that is offered or advertised by any person or entity
17 as a residence that provides a drug-free and alcohol-free living environment for the purposes of
18 promoting sustained, long-term recovery from substance use disorder.

19 Legislative Findings —

20 (1) The legislature hereby finds that substance use disorder constitutes a serious threat to
21 the health and welfare of the citizens of West Virginia.

22 (2) Certified recovery residences support the recovery of individuals with substance use
23 disorder and help prevent relapse, criminal justice system involvement, and overdose.

24 (3) Certified recovery residences are designed to address the needs of individuals in
25 recovery from substance use disorder through the provision of a safe and healthy living
26 environment and a community of supportive recovering peers to which residents are accountable.

27 (4) Multiple peer reviewed studies show that well-run recovery residences have a long
28 lasting, positive impact on individuals in or seeking recovery from substance use disorders.

29 (e) Residents are more likely to stay in recovery, become or stay employed, and interact
30 less with the criminal justice system than similarly situated non-residents.

31 (f) It is in the best interests of individuals in recovery from substance use disorder and of
32 the communities in which recovery residences are situated that recovery residences be certified
33 with nationally recognized standards in order to protect recovery residences residents and
34 communities from harm caused by poorly managed or fraudulent recovery residences.

§16-59-1a. Definitions.

1 Definitions —

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4 department's appointed certifying agency.

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8 his or her designee.

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11 of residents of the recovery residence at risk for serious injury, serious harm, serious impairment,
12 or death.

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16 dwelling unit, or other form of group housing, that is offered or advertised by any person or entity
17 as a residence that provides a drug-free and alcohol-free living environment for the purposes of
18 promoting sustained, long-term recovery from substance use disorder.

§16-59-2. Voluntary certification of recovery residences.

1 (a) The department shall contract with an entity to serve as the certifying agency for a
2 voluntary certification program for drug-free and alcohol-free recovery residences based upon
3 standards determined by the National Alliance for Recovery Residences (NARR) or a similar
4 entity. The certifying agency shall establish and implement an accreditation program for drug-free
5 and alcohol-free recovery residences that shall maintain nationally recognized standards that:

6 (1) Uphold industry best practices and support a safe, healthy, and effective recovery
7 environment;

8 (2) Evaluate the residence's ability to assist persons in achieving long-term recovery goals;

9 (3) Protect residents of drug- and alcohol-free housing against unreasonable and unfair
10 practices in setting and collecting fee payments.

11 (4) Protect residents from human trafficking that may occur in the recovery residence
12 setting.

13 (5) Protect patients from predatory practices that lead to patient brokering.

14 (b) The department shall require the recovery residence to collect, retain, and submit the
15 following:

16 (1) Documentation verifying certification as specified and administered by the certifying

17 agency;

18 (2) If a municipality or county offers or requires verification of compliance with local
19 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family
20 housing, documentation of verification by the municipality or county where the recovery residence
21 is located stating that the recovery residence is in compliance.

22 ~~(3) Data from each registered recovery residence at intervals determined by the~~
23 ~~department, but not less than annually. The data shall be uniform across all recovery residences.~~
24 ~~The department, in conjunction with applicable stakeholders to include, but not be limited to, the~~
25 ~~Office of the Inspector General, the Superintendent, or designee, of the West Virginia State Police,~~
26 ~~the West Virginia Sheriff's Association, and a representative of West Virginia National Alliance for~~
27 ~~Recovery Residences, shall propose rules for legislative approval in accordance with the~~
28 ~~provisions of §29A-3-1 et seq. to specify the data to be collected. The data variables shall include,~~
29 ~~but not be limited to, variables to allow the department, certifying agency, the Office of the~~
30 ~~Inspector General, and the West Virginia Fusion Center Human Trafficking Division to conduct an~~
31 ~~analysis of the performance of recovery residences and to determine if patient brokering or human~~
32 ~~trafficking is occurring. The data shall be shared in personally identifiable form with the Office of~~
33 ~~the Inspector General, the certifying agency, and the West Virginia Fusion Center Human~~
34 ~~Trafficking Division, with the appropriate Health Insurance Portability and Accountability Act~~
35 ~~safeguards in place to protect the data in transmission and in storage.~~

36 ~~(4) Documentation verifying initial and continued registration as required in §16-59-4 of this~~
37 ~~code.~~

38 (c) If a municipality or county offers or requires verification of compliance with local
39 building, maximum occupancy, fire safety, and sanitation codes applicable to single-family
40 housing, the municipality or county must perform requested or required inspections within 30 days
41 of receiving a request for verification. If a residence is located within a municipality or county that
42 offers or requires verification of compliance with local building, maximum occupancy, fire safety,

43 and sanitation codes applicable to single-family housing, and the municipality or county fails to
44 perform requested or required inspections within 30 days of receiving a request for verification, the
45 residence may apply for and be granted certification directly through the certifying agency without
46 the aforementioned verification.

47 (d) Upon receiving a complete application, the certifying agency shall evaluate the
48 residence to determine if the residence is in compliance with national best-practice standards,
49 health, and safety requirements. Additionally, any application of the items specified in this section
50 must comply with the Fair Housing Act, 42 U.S.C. §3601 *et seq.* and the Americans with
51 Disabilities Act of 2008, 42 U.S.C. §12101 *et seq.*

52 (1) If it is determined that the residence is in compliance, the certification agency shall
53 issue a certificate of compliance to the recovery residence operator for the specific recovery
54 residence location set forth in the application.

55 (2) Each residence location, even if operated by the same person or entity, must maintain a
56 certificate of compliance for the purposes of this article.

57 (e) The certifying agency may suspend or revoke a certificate of compliance if the recovery
58 residence is not in compliance with any provision of this section or has failed to remedy any
59 deficiency identified in writing and served by certified mail unless the deficiency is an immediate
60 jeopardy in which case it may be served in person. Suspension or revocation may take place after
61 a notice of deficiency is served and has existed for at least 30 days, except in cases of an
62 immediate jeopardy. After receipt of a suspension or revocation notice, the recovery residence is
63 prohibited from accepting new residents and may only work to transfer residents to another
64 certified recovery residence. If the certifying agency determines that an immediate jeopardy
65 exists, then the operator will be provided a notice of deficiency, at the time of the certification visit,
66 and the recovery residence shall immediately take actions to correct the listed deficiencies before
67 the certification agency departs the premises. If the operator is unable to correct all of the listed
68 deficiencies prior to the certifying agency departing the premises, then the certifying agency has

69 the authority to revoke any applicable certification immediately and give the operator of the
70 recovery residence up to five days to transfer existing residents to another certified recovery
71 residence.

72 (f) Notwithstanding any other provision to the contrary, the certifying agency shall
73 implement and maintain a process by which a residence whose certification has been suspended
74 or revoked may apply for, and be granted, reinstatement. If a municipality or county offers or
75 requires verification of compliance with local building, maximum occupancy, fire safety, and
76 sanitation codes applicable to single-family housing, and if the residence's certification suspended
77 or revoked for noncompliance with local building, maximum occupancy, fire safety, and sanitation
78 codes applicable to single-family housing, the municipality or county may charge a fee of up to
79 \$100 for any requested reinspection of a recovery residence by the residence seeking
80 reinstatement.

81 (g) The department shall periodically evaluate the quality, integrity, and efficacy of the
82 accreditation program developed. The department shall promulgate rules subject to legislative
83 approval in accordance with §29A-3-1 *et seq.* of this code to implement this section that shall
84 include a process for receiving complaints against drug-free and alcohol-free recovery residences
85 and criteria by which such residences' certifications can be revoked.

86 (h) A person may not advertise to the public any recovery residence as a "certified recovery
87 residence" unless the recovery residence has first secured a certificate of compliance under this
88 section. A person who violates this subsection commits a misdemeanor, punishable by a fine of
89 not less than \$1,000 nor more than \$5,000 for each infraction.

90 (i) This article does not permit a structure that would not be normally classified as a single-
91 family dwelling to be exempt from the state building code or fire code.

92 (j) Nothing herein shall be read to require any recovery residence to obtain certifications
93 set forth herein in order to conduct operations: *Provided*, That a recovery residence without a valid
94 certificate of compliance, as provided in §16-59-2 of this code, is prohibited from receiving a

95 referral or receiving a person released from prison for the placement of any prisoner, parolee,
96 probationer, or prospective, current, or discharged patient, or client from the Division of
97 Corrections and Rehabilitation, the Parole Board, the county probation offices, day report center,
98 municipal courts, or a medical or clinical treatment facility that receives funds for its operations
99 from the State Treasury. A person who violates this subsection commits a misdemeanor,
100 punishable by a fine of not less than \$1,000 nor more than \$5,000 for each infraction.

§16-59-4. Registration of recovery residences.

1 [Repealed.]

NOTE: The purpose of this bill is to remove the mandatory registration of recovery residences and limit the authority of the certifying agency regarding data collection and documentation of registered recovery residences.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.