

SENATE BILL NO. 161—SENATOR TITUS

FEBRUARY 10, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for regulation of transitional housing facilities that provide treatment for abuse of alcohol or drugs. (BDR 40-131)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to substance abuse; requiring transitional housing facilities that provide treatment for the abuse of alcohol or drugs to be certified by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 458 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 8, inclusive, of this act.
- 3 **Sec. 2. 1. *No person, state or local government or agency thereof***
4 ***may operate or maintain in this state a transitional housing facility***
5 ***without first obtaining a certificate for the facility from the bureau.***
- 6 **2. *A person that operates a transitional housing facility without a***
7 ***certificate issued by the bureau is guilty of a misdemeanor.***
- 8 **Sec. 3. *Each certificate issued by the bureau to a transitional***
9 ***housing facility expires on the first December 31 following its issuance***
10 ***and is renewable for 1 year upon reapplication and payment of a renewal***
11 ***fee established pursuant to NRS 458.025.***
- 12 **Sec. 4. *The bureau may:***
- 13 ***1. Upon receipt of an application for certification as a transitional***
14 ***housing facility, conduct an investigation into the premises,***
15 ***qualifications of personnel, methods of operation, policies and purposes***
16 ***of any person proposing to engage in the operation of that facility.***

1 **2. Upon receipt of a complaint against a transitional housing facility,**
2 **conduct an investigation into the premises, qualification of personnel,**
3 **methods of operation, policies, procedures and records of that facility.**

4 **3. Inspect a transitional housing facility at any time, with or without**
5 **notice, as often as is necessary to ensure compliance with all applicable**
6 **regulations and standards adopted by the bureau.**

7 **Sec. 5. 1. If a transitional housing facility violates any provisions**
8 **related to its certification, including, without limitation, any law of this**
9 **state or any applicable condition, standard or regulation adopted by the**
10 **bureau, the bureau may:**

11 **(a) Suspend or revoke its certification; and**

12 **(b) Impose an administrative fine of not more than \$1,000 per day for**
13 **each violation, together with interest thereon at a rate not to exceed 10**
14 **percent per annum.**

15 **2. If a transitional housing facility fails to pay an administrative fine**
16 **imposed pursuant to subsection 1, the bureau may:**

17 **(a) Suspend the certificate of the facility until the administrative fine**
18 **is paid; and**

19 **(b) Collect court costs, reasonable attorney's fees and other costs**
20 **incurred to collect the administrative fine.**

21 **3. Any money collected as an administrative fine must be deposited**
22 **in the state general fund. If money is needed to pay the costs of an**
23 **investigation or inspection to carry out the provisions of sections 2 to 8,**
24 **inclusive, of this act, the bureau may present a claim to the state board of**
25 **examiners for recommendation to the interim finance committee.**

26 **Sec. 6. The bureau shall adopt such regulations as are necessary to**
27 **carry out the provisions of sections 2 to 8, inclusive, of this act.**

28 **Sec. 7. 1. The bureau may bring an action in the name of the state**
29 **to enjoin any person, state or local government or agency thereof from**
30 **operating or maintaining a transitional housing facility:**

31 **(a) Without first obtaining a certificate therefor; or**

32 **(b) After such a certificate has been revoked or suspended by the**
33 **bureau.**

34 **2. It is sufficient in such an action to allege that the defendant did,**
35 **on a certain date and in a certain place, operate and maintain such a**
36 **facility without a certificate.**

37 **Sec. 8. The district attorney of the county in which a transitional**
38 **housing facility is located shall, upon application by the bureau, institute**
39 **and conduct the prosecution of any action for the violation of section 2 of**
40 **this act.**

41 **Sec. 9. NRS 458.010 is hereby amended to read as follows:**

42 **458.010 As used in NRS 458.010 to 458.360, inclusive, and sections 2**
43 **to 8, inclusive, of this act, unless the context requires otherwise:**

1 1. "Alcohol and drug abuse program" means a project concerned with
2 education, prevention and treatment directed toward achieving the mental
3 and physical restoration of alcohol and drug abusers.

4 2. "Alcohol and drug abuser" means a person whose consumption of
5 alcohol or other drugs, or any combination thereof, interferes with or
6 adversely affects his ability to function socially or economically.

7 3. "Alcoholic" means any person who habitually uses alcoholic
8 beverages to the extent that he endangers the health, safety or welfare of
9 himself or any other person or group of persons.

10 4. "Bureau" means the bureau of alcohol and drug abuse in the
11 rehabilitation division of the department.

12 5. "Chief" means the chief of the bureau.

13 6. "Civil protective custody" means a custodial placement of a person
14 for the purpose of protecting his health or safety. Civil protective custody
15 does not have any criminal implication.

16 7. "Department" means the department of employment, training and
17 rehabilitation.

18 8. "Director" means the director of the department.

19 9. "Facility" means a physical structure used for the education,
20 prevention and treatment, including mental and physical restoration, of
21 alcohol and drug abusers.

22 **10. "Transitional housing facility" means a facility that provides a**
23 **supportive living environment where persons receive treatment for the**
24 **abuse of alcohol or drugs in a program that is offered during the day or**
25 **evening, or provides intensive treatment for outpatients, and focuses on**
26 **the application of recovery skills. The term does not include a facility for**
27 **the treatment of abuse of alcohol or drugs as defined in NRS 449.00455.**

28 **Sec. 10.** NRS 458.025 is hereby amended to read as follows:

29 458.025 The bureau of alcohol and drug abuse is hereby created in the
30 rehabilitation division of the department. The bureau:

31 1. Shall formulate and operate a comprehensive state plan for alcohol
32 and drug abuse programs which must include:

33 (a) A survey of the need for education, prevention and treatment of
34 alcohol and drug abuse, including a survey of the facilities needed to
35 provide services and a plan for the development and distribution of services
36 and programs throughout the state.

37 (b) A plan for programs to educate the public in the problems of the
38 abuse of alcohol and other drugs.

39 (c) A survey of the need for trained teachers, persons who have
40 professional training in fields of health and others involved in the education
41 and prevention of alcohol and drug abuse and in the treatment and recovery
42 of alcohol and drug abusers, and a plan to provide the necessary
43 treatment.

1 In developing and revising the state plan, the bureau shall consider, among
2 other things, the amount of money available from the Federal Government
3 for alcohol and drug abuse programs and the conditions attached to the
4 acceptance of the money, and the limitations of legislative appropriations
5 for alcohol and drug abuse programs.

6 2. Is responsible for coordinating efforts to carry out the state plan and
7 coordinating all state and federal financial support of alcohol and drug
8 abuse programs in the state. The bureau must be consulted in the planning
9 of projects and advised of all applications for grants from within the state
10 which are concerned with alcohol and drug abuse programs, and shall
11 review and advise concerning the applications.

12 3. Shall develop and publish standards of certification and may certify
13 or deny certification of any facilities, programs or personnel on the basis of
14 the standards, and publish a list of certified facilities, programs and
15 personnel. Any facilities, programs or personnel which are not certified are
16 ineligible to receive state and federal money for alcohol and drug abuse
17 programs. The chief ~~{shall}~~ :

18 (a) *Shall* establish requirements for continuing education for persons
19 certified as counselors and administrators of the programs ; and ~~{may}~~

20 (b) *May* set fees for certification of facilities, programs or personnel.
21 The fees must be calculated to produce the revenue estimated to cover the
22 costs related to the certifications, but in no case may the fee for a certificate
23 exceed \$100.

24 4. Upon request from a facility which is ~~{self-supported,}~~ *not required*
25 *to be certified by the bureau*, may certify the facility, its programs and
26 personnel and add them to the list of certified facilities, programs and
27 personnel.

28 **Sec. 11.** The amendatory provisions of this act do not apply to
29 offenses that were committed before January 1, 2000.

30 **Sec. 12.** This act becomes effective:

31 1. Upon passage and approval for the purpose of adopting regulations
32 and performing any other preparatory administrative tasks that are
33 necessary to carry out the provisions of this act; and

34 2. On January 1, 2000, for all other purposes.