

SENATE BILL NO. 161—SENATOR TITUS

FEBRUARY 10, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for regulation of halfway houses for alcohol and drug abusers.
(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 halfway houses for alcohol and drug abusers to be certified by the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation; revising the fees that may be charged by the bureau for certifying facilities, programs or personnel; 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 halfway house for alcohol and***
5 ***drug abusers without first obtaining a certificate therefor from the***
6 ***bureau.***
7 **2. *A person who operates a halfway house for alcohol and drug***
8 ***abusers without a certificate issued by the bureau is guilty of a***
9 ***misdemeanor.***
10 **Sec. 3. *Each certificate issued by the bureau to a halfway house for***
11 ***alcohol and drug abusers expires on the first December 31 following its***
12 ***issuance and is renewable for 1 year upon reapplication and payment of***
13 ***a renewal fee established pursuant to NRS 458.025.***
14 **Sec. 4. *The bureau may:***
15 **1. *Upon receipt of an application for certification as a halfway house***
16 ***for alcohol and drug abusers, conduct an investigation into the premises,***

1 *qualifications of personnel, methods of operation, policies and purposes*
2 *of any person proposing to engage in the operation of that halfway*
3 *house.*

4 2. *Upon receipt of a complaint against a halfway house for alcohol*
5 *and drug abusers, conduct an investigation into the premises,*
6 *qualification of personnel, methods of operation, policies, procedures*
7 *and records of that halfway house.*

8 3. *Inspect a halfway house for alcohol and drug abusers at any time,*
9 *with or without notice, as often as is necessary to ensure compliance with*
10 *all applicable regulations and standards adopted by the bureau.*

11 **Sec. 5. 1.** *If a halfway house for alcohol and drug abusers violates*
12 *any provisions related to its certification, including, without limitation,*
13 *any law of this state or any applicable condition, standard or regulation*
14 *adopted by the bureau, the bureau may:*

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

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

19 2. *If a halfway house for alcohol and drug abusers fails to pay an*
20 *administrative fine imposed pursuant to subsection 1, the bureau may:*

21 (a) *Suspend the certificate of the halfway house until the*
22 *administrative fine is paid; and*

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

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

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

32 **Sec. 7. 1.** *The bureau may bring an action in the name of the state*
33 *to enjoin any person, state or local government or agency thereof from*
34 *operating or maintaining a halfway house for alcohol and drug abusers:*

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

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

38 2. *It is sufficient in such an action to allege that the defendant did,*
39 *on a certain date and in a certain place, operate and maintain such a*
40 *halfway house without a certificate.*

1 **Sec. 8.** *The district attorney of the county in which a halfway house*
2 *for alcohol and drug abusers is located shall, upon application by the*
3 *bureau, institute and conduct the prosecution of any action for the*
4 *violation of section 2 of this act.*

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

6 458.010 As used in NRS 458.010 to 458.360, inclusive, *and sections 2*
7 *to 8, inclusive, of this act*, unless the context requires otherwise:

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

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

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

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

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

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

23 7. "Department" means the department of employment, training and
24 rehabilitation.

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

26 9. "Facility" means a physical structure used for the education,
27 prevention and treatment, including mental and physical restoration, of
28 alcohol and drug abusers.

29 **10.** *"Halfway house for alcohol and drug abusers" means a*
30 *residence that provides housing and a living environment for alcohol and*
31 *drug abusers and is operated to facilitate their reintegration into the*
32 *community, but does not provide treatment for alcohol or drug abuse.*
33 *The term does not include a facility for the treatment of abuse of alcohol*
34 *or drugs as defined in NRS 449.00455.*

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

36 458.025 The bureau of alcohol and drug abuse is hereby created in the
37 rehabilitation division of the department. The bureau:

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

40 (a) A survey of the need for education, prevention and treatment of
41 alcohol and drug abuse, including a survey of the facilities needed to
42 provide services and a plan for the development and distribution of services
43 and programs throughout the state.

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

3 (c) A survey of the need for trained teachers, persons who have
4 professional training in fields of health and others involved in the education
5 and prevention of alcohol and drug abuse and in the treatment and recovery
6 of alcohol and drug abusers, and a plan to provide the necessary
7 treatment.

8 In developing and revising the state plan, the bureau shall consider, among
9 other things, the amount of money available from the Federal Government
10 for alcohol and drug abuse programs and the conditions attached to the
11 acceptance of the money, and the limitations of legislative appropriations
12 for alcohol and drug abuse programs.

13 2. Is responsible for coordinating efforts to carry out the state plan and
14 coordinating all state and federal financial support of alcohol and drug
15 abuse programs in the state. The bureau must be consulted in the planning
16 of projects and advised of all applications for grants from within the state
17 which are concerned with alcohol and drug abuse programs, and shall
18 review and advise concerning the applications.

19 3. Shall develop and publish standards of certification and may certify
20 or deny certification of any *halfway houses for alcohol and drug abusers*,
21 facilities, programs or personnel on the basis of the standards, and publish a
22 list of certified *halfway houses for alcohol and drug abusers*, facilities,
23 programs and personnel. Any facilities, programs or personnel which are
24 not certified are ineligible to receive state and federal money for alcohol
25 and drug abuse programs. The chief ~~{shall}~~ :

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

28 (b) *May* set fees for certification of *halfway houses for alcohol and*
29 *drug abusers*, facilities, programs or personnel. The fees must be
30 calculated to produce the revenue estimated to cover the costs related to the
31 certifications, but in no case may the fee for a certificate exceed ~~[\$100.]~~ *the*
32 *actual cost to the bureau of issuing the certificate.*

33 4. Upon request from a facility which is self-supported, may certify the
34 facility, its programs and personnel and add them to the list of certified
35 facilities, programs and personnel.

36 **Sec. 11.** NRS 458.026 is hereby amended to read as follows:

37 458.026 1. An applicant for the issuance or renewal of his
38 certification as personnel of an alcohol or drug abuse program or a facility ,
39 *or as the operator of a halfway house for alcohol and drug abusers*, shall
40 submit to the bureau the statement prescribed by the welfare division of the
41 department of human resources pursuant to NRS 425.520. The statement
42 must be completed and signed by the applicant.

1 2. The bureau shall include the statement required pursuant to
2 subsection 1 in:

3 (a) The application or any other forms that must be submitted for the
4 issuance or renewal of the certification; or

5 (b) A separate form prescribed by the bureau.

6 3. The certification of a person as personnel of an alcohol or drug
7 abuse program or a facility, *or as the operator of a halfway house for*
8 *alcohol and drug abusers*, may not be issued or renewed by the bureau if
9 the applicant:

10 (a) Fails to complete or submit the statement required pursuant to
11 subsection 1; or

12 (b) Indicates on the statement submitted pursuant to subsection 1 that he
13 is subject to a court order for the support of a child and is not in
14 compliance with the order or a plan approved by the district attorney or
15 other public agency enforcing the order for the repayment of the amount
16 owed pursuant to the order.

17 4. If an applicant indicates on the statement submitted pursuant to
18 subsection 1 that he is subject to a court order for the support of a child and
19 is not in compliance with the order or a plan approved by the district
20 attorney or other public agency enforcing the order for the repayment of the
21 amount owed pursuant to the order, the administrator shall advise the
22 applicant to contact the district attorney or other public agency enforcing
23 the order to determine the actions that the applicant may take to satisfy the
24 arrearage.

25 **Sec. 12.** NRS 458.027 is hereby amended to read as follows:

26 458.027 1. If the bureau receives a copy of a court order issued
27 pursuant to NRS 425.540 that provides for the suspension of all
28 professional, occupational and recreational licenses, certificates and
29 permits issued to a person who has been certified as personnel of an alcohol
30 and drug abuse program or a facility, *or as the operator of a halfway*
31 *house for alcohol and drug abusers*, the bureau shall deem the
32 certification to be suspended at the end of the 30th day after the date on
33 which the court order was issued unless the bureau receives a letter issued
34 by the district attorney or other public agency pursuant to NRS 425.550 to
35 the person who has been certified stating that the person has complied with
36 the subpoena or warrant or has satisfied the arrearage pursuant to NRS
37 425.560.

38 2. The bureau shall reinstate the certification of a person as personnel
39 of an alcohol and drug abuse program or a facility, *or as the operator of a*
40 *halfway house for alcohol and drug abusers*, that has been suspended by a
41 district court pursuant to NRS 425.540 if the bureau receives a letter issued
42 by the district attorney or other public agency pursuant to NRS 425.550 to

1 the person whose certification was suspended stating that the person whose
2 certification was suspended has complied with the subpoena or warrant or
3 has satisfied the arrearage pursuant to NRS 425.560.

4 **Sec. 13.** NRS 458.028 is hereby amended to read as follows:

5 458.028 An application for the certification of personnel of an alcohol
6 and drug abuse program or a facility , *or as the operator of a halfway*
7 *house for alcohol and drug abusers*, must include the social security
8 number of the applicant.

9 **Sec. 14.** The amendatory provisions of this act do not apply to
10 offenses that were committed before January 1, 2000.

11 **Sec. 15.** This act becomes effective:

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

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

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