

SENATE BILL NO. 319—SENATORS O'DONNELL AND O'CONNELL

MARCH 12, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Provides for licensing and regulation of halfway houses for alcohol and drug abusers as facilities for dependent and repeals requirements for certification of operators of such halfway houses. (BDR 40-1211)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; providing for the licensing and regulation of halfway houses for alcohol and drug abusers as facilities for the dependent; repealing the requirements for the certification of the operators of such halfway houses by the bureau of alcohol and drug abuse in the department of human resources; 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 449 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***“Halfway house for alcohol and drug abusers” means a residence that***
4 ***provides housing and a living environment for alcohol and drug abusers***
5 ***and is operated to facilitate their reintegration into the community, but***
6 ***does not provide any treatment for alcohol or drug abuse.***
7 **Sec. 2.** NRS 449.001 is hereby amended to read as follows:
8 449.001 As used in this chapter, unless the context otherwise requires,
9 the words and terms defined in NRS 449.0015 to 449.019, inclusive, ***and***
10 ***section 1 of this act*** have the meanings ascribed to them in those sections.
11 **Sec. 3.** NRS 449.004 is hereby amended to read as follows:
12 449.004 “Facility for the care of adults during the day” means an
13 establishment operated and maintained to provide care during the day on a
14 temporary or permanent basis for aged or infirm persons. ***The term does***
15 ***not include a halfway house for alcohol and drug abusers.***
16 **Sec. 4.** NRS 449.0045 is hereby amended to read as follows:
17 449.0045 “Facility for the dependent” includes a facility for the
18 treatment of abuse of alcohol or drugs, ***halfway house for alcohol and***
19 ***drug abusers,*** facility for the care of adults during the day or residential
20 facility for groups.



1 **Sec. 5.** NRS 449.0105 is hereby amended to read as follows:
2 449.0105 "Home for individual residential care" means a home in
3 which a natural person furnishes food, shelter, assistance and limited
4 supervision, for compensation, to not more than two persons who are aged,
5 infirm, mentally retarded or handicapped, unless the persons receiving
6 those services are related within the third degree of consanguinity or
7 affinity to the person providing those services. *The term does not include*
8 *a halfway house for alcohol and drug abusers.*

9 **Sec. 6.** NRS 449.017 is hereby amended to read as follows:
10 449.017 1. Except as otherwise provided in subsection 2, "residential
11 facility for groups" means an establishment that furnishes food, shelter,
12 assistance and limited supervision to an aged, infirm, mentally retarded or
13 handicapped person.

14 2. The term does not include:

- 15 (a) An establishment which provides care only during the day;
16 (b) A natural person who provides care for no more than two persons in
17 his own home;
18 (c) A natural person who provides care for one or more persons related
19 to him within the third degree of consanguinity or affinity;
20 (d) *A halfway house for alcohol and drug abusers;* or
21 ~~(d)~~ (e) A facility funded by a division or program of the department
22 of human resources.

23 **Sec. 7.** NRS 458.010 is hereby amended to read as follows:
24 458.010 As used in NRS 458.010 to 458.350, inclusive, unless the
25 context requires otherwise:

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

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

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

35 4. "Bureau" means the bureau of alcohol and drug abuse in the
36 department.

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

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

41 7. "Department" means the department of human resources.

42 8. "Detoxification technician" means a person who is certified by the
43 bureau to provide screening for the safe withdrawal from alcohol and other
44 drugs.

45 9. "Director" means the director of the department.

46 10. "Facility" means a physical structure used for the education,
47 prevention and treatment, including mental and physical restoration, of
48 alcohol and drug abusers.



1 ~~11. "Halfway house for alcohol and drug abusers" means a residence~~
2 ~~that provides housing and a living environment for alcohol and drug~~
3 ~~abusers and is operated to facilitate their reintegration into the community,~~
4 ~~but does not provide treatment for alcohol or drug abuse. The term does not~~
5 ~~include a facility for the treatment of abuse of alcohol or drugs as defined~~
6 ~~in NRS 449.00455.~~

7 **Sec. 8.** NRS 458.025 is hereby amended to read as follows:

8 458.025 The bureau of alcohol and drug abuse is hereby created in the
9 department. The bureau:

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

12 (a) A survey of the need for education, prevention and treatment of
13 alcohol and drug abuse, including a survey of the facilities needed to
14 provide services and a plan for the development and distribution of
15 services and programs throughout the state.

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

18 (c) A survey of the need for trained teachers, persons who have
19 professional training in fields of health and others involved in the
20 education and prevention of alcohol and drug abuse and in the treatment
21 and recovery of alcohol and drug abusers, and a plan to provide the
22 necessary treatment.

23 In developing and revising the state plan, the bureau shall consider, among
24 other things, the amount of money available from the Federal Government
25 for alcohol and drug abuse programs and the conditions attached to the
26 acceptance of the money, and the limitations of legislative appropriations
27 for alcohol and drug abuse programs.

28 2. Shall coordinate the efforts to carry out the state plan and coordinate
29 all state and federal financial support of alcohol and drug abuse programs
30 in the state. The bureau must be consulted in the planning of projects and
31 advised of all applications for grants from within the state which are
32 concerned with alcohol and drug abuse programs, and shall review and
33 advise concerning the applications.

34 3. Shall develop and publish standards of certification and may certify
35 or deny certification of ~~operators of halfway houses for alcohol and drug~~
36 ~~abusers, halfway houses for alcohol and drug abusers,~~ detoxification
37 technicians or any facilities or programs on the basis of the standards, and
38 publish a list of certified ~~operators of halfway houses for alcohol and drug~~
39 ~~abusers, halfway houses for alcohol and drug abusers,~~ detoxification
40 technicians, facilities and programs. Any ~~operators of halfway houses for~~
41 ~~alcohol and drug abusers, halfway houses for alcohol and drug abusers,~~
42 detoxification technicians, facilities or programs which are not certified are
43 ineligible to receive state and federal money for alcohol and drug abuse
44 programs. The chief:

45 (a) Shall establish the requirements for continuing education for persons
46 certified as detoxification technicians; and

47 (b) May set fees for the certification of ~~operators of halfway houses for~~
48 ~~alcohol and drug abusers, halfway houses for alcohol and drug abusers,~~
49 detoxification technicians, facilities or programs. The fees must be



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1 calculated to produce the revenue estimated to cover the costs related to the
2 certifications, but in no case may the fee for a certificate exceed the actual
3 cost to the bureau of issuing the certificate.

4 4. Upon request from a facility which is self-supported, may certify the
5 facility, its programs and detoxification technicians and add them to the list
6 described in subsection 3.

7 **Sec. 9.** NRS 458.026 is hereby amended to read as follows:

8 458.026 1. An applicant for the issuance or renewal of his
9 certification as a detoxification technician ~~for as the operator of a halfway~~
10 ~~house for alcohol and drug abusers~~ shall submit to the bureau the
11 statement prescribed by the welfare division of the department ~~of human~~
12 ~~resources~~ pursuant to NRS 425.520. The statement must be completed and
13 signed by the applicant.

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

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

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

19 3. The certification of a person as a detoxification technician ~~for as the~~
20 ~~operator of a halfway house for alcohol and drug abusers~~ may not be
21 issued or renewed by the bureau if the applicant:

22 (a) Fails to complete or submit the statement required pursuant to
23 subsection 1; or

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

29 4. If an applicant indicates on the statement submitted pursuant to
30 subsection 1 that he is subject to a court order for the support of a child and
31 is not in compliance with the order or a plan approved by the district
32 attorney or other public agency enforcing the order for the repayment of
33 the amount owed pursuant to the order, the director shall advise the
34 applicant to contact the district attorney or other public agency enforcing
35 the order to determine the actions that the applicant may take to satisfy the
36 arrearage.

37 **Sec. 10.** NRS 458.027 is hereby amended to read as follows:

38 458.027 1. If the bureau receives a copy of a court order issued
39 pursuant to NRS 425.540 that provides for the suspension of all
40 professional, occupational and recreational licenses, certificates and
41 permits issued to a person who has been certified as a detoxification
42 technician, ~~for as the operator of a halfway house for alcohol and drug~~
43 ~~abusers,~~ the bureau shall deem the certification to be suspended at the end
44 of the 30th day after the date on which the court order was issued unless
45 the bureau receives a letter issued by the district attorney or other public
46 agency pursuant to NRS 425.550 to the person who has been certified
47 stating that the person has complied with the subpoena or warrant or has
48 satisfied the arrearage pursuant to NRS 425.560.



1 2. The bureau shall reinstate the certification of a person as a
2 detoxification technician ~~for as the operator of a halfway house for alcohol~~
3 ~~and drug abusers;~~ that has been suspended by a district court pursuant to
4 NRS 425.540 if the bureau receives a letter issued by the district attorney
5 or other public agency pursuant to NRS 425.550 to the person whose
6 certification was suspended stating that the person whose certification was
7 suspended has complied with the subpoena or warrant or has satisfied the
8 arrearage pursuant to NRS 425.560.

9 **Sec. 11.** NRS 458.028 is hereby amended to read as follows:
10 458.028 An application for the certification of a detoxification
11 technician ~~for as the operator of a halfway house for alcohol and drug~~
12 ~~abusers;~~ must include the social security number of the applicant.

13 **Sec. 12.** NRS 129.050 is hereby amended to read as follows:
14 129.050 1. Any minor who is under the influence of, or suspected of
15 being under the influence of, a controlled substance:

16 (a) May give express consent; or
17 (b) If unable to give express consent, shall be deemed to
18 consent,

19 to the furnishing of hospital, medical, surgical or other care for the
20 treatment of abuse of drugs or related illnesses by any public or private
21 hospital, medical facility, facility for the dependent, *other than a halfway*
22 *house for alcohol and drug abusers*, or any licensed physician, and the
23 consent of the minor is not subject to disaffirmance because of minority.

24 2. Immunity from civil or criminal liability extends to any physician or
25 other person rendering care or treatment pursuant to subsection 1, in the
26 absence of negligent diagnosis, care or treatment.

27 3. The consent of the parent or the legal guardian of the minor is not
28 necessary to authorize such care, but any physician who treats a minor
29 pursuant to this section shall make every reasonable effort to report the fact
30 of treatment to the parent or parents or legal guardian within a reasonable
31 time after treatment.

32 **Sec. 13.** NRS 458.141, 458.145, 458.151, 458.155, 458.161, 458.165
33 and 458.171 are hereby repealed.

34 **Sec. 14.** Any regulations adopted by the bureau of alcohol and drug
35 abuse in the department of human resources pursuant to NRS 458.161 are
36 void. The legislative counsel shall remove those regulations from the
37 Nevada Administrative Code as soon as practicable after January 1, 2002.

38 **Sec. 15.** 1. The amendatory provisions of sections 1 to 12, inclusive,
39 of this act do not apply to any offenses committed before January 1, 2002.

40 2. The provisions of sections 13 and 14 of this act do not apply to any
41 offenses committed or actions taken before January 1, 2002, regarding
42 the provisions of NRS 458.141 to 458.171, inclusive, or any legal
43 proceedings relating to any such offenses or actions which are pending on
44 December 31, 2001.

45 **Sec. 16.** This act becomes effective:

46 1. Upon passage and approval for the purposes of adopting regulations
47 and performing any other preparatory administrative tasks that are
48 necessary to carry out the provisions of this act; and

49 2. On January 1, 2002, for all other purposes.



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LEADLINES OF REPEALED SECTIONS

- 458.141** Operation or maintenance prohibited without certificate; penalty.
- 458.145** Expiration and renewal of certificate.
- 458.151** Investigations and inspections by bureau.
- 458.155** Suspension or revocation of certificate; imposition and collection of administrative fine; payment of certain costs.
- 458.161** Adoption of regulations.
- 458.165** Action for injunction.
- 458.171** Prosecution of violations.

