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SECOND REPRINT

EXEMPT

S.B. 319

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.



* S B 3 1 9 R 2 *

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. "Administrator" means the administrator of the health division.
27 2. "Alcohol and drug abuse program" means a project concerned with
28 education, prevention and treatment directed toward achieving the mental
29 and physical restoration of alcohol and drug abusers.
30 3. "Alcohol and drug abuser" means a person whose consumption of
31 alcohol or other drugs, or any combination thereof, interferes with or
32 adversely affects his ability to function socially or economically.
33 4. "Alcoholic" means any person who habitually uses alcoholic
34 beverages to the extent that he endangers the health, safety or welfare of
35 himself or any other person or group of persons.
36 5. "Board" means the state board of health.
37 6. "Civil protective custody" means a custodial placement of a person
38 to protect his health or safety. Civil protective custody does not have any
39 criminal implication.
40 7. "Detoxification technician" means a person who is certified by the
41 health division to provide screening for the safe withdrawal from alcohol
42 and other drugs.
43 8. "Facility" means a physical structure used for the education,
44 prevention and treatment, including mental and physical restoration, of
45 alcohol and drug abusers.
46 9. ~~["Halfway house for alcohol and drug abusers" means a residence~~
47 ~~that provides housing and a living environment for alcohol and drug~~
48 ~~abusers and is operated to facilitate their reintegration into the community,~~
49 ~~but does not provide treatment for alcohol or drug abuse. The term does not~~



* S B 3 1 9 R 2 *

1 ~~include a facility for the treatment of abuse of alcohol or drugs as defined~~
2 ~~in NRS 449.00455.~~
3 ~~—10.~~ “Health division” means the health division of the department of
4 human resources.
5 **Sec. 8.** NRS 458.025 is hereby amended to read as follows:
6 458.025 The health division:
7 1. Shall formulate and operate a comprehensive state plan for alcohol
8 and drug abuse programs which must include:
9 (a) A survey of the need for prevention and treatment of alcohol and
10 drug abuse, including a survey of the facilities needed to provide services
11 and a plan for the development and distribution of services and programs
12 throughout this state.
13 (b) A plan for programs to educate the public in the problems of the
14 abuse of alcohol and other drugs.
15 (c) A survey of the need for persons who have professional training in
16 fields of health and other persons involved in the prevention of alcohol and
17 drug abuse and in the treatment and recovery of alcohol and drug abusers,
18 and a plan to provide the necessary treatment.
19 In developing and revising the state plan, the health division shall consider,
20 without limitation, the amount of money available from the Federal
21 Government for alcohol and drug abuse programs and the conditions
22 attached to the acceptance of that money, and the limitations of legislative
23 appropriations for alcohol and drug abuse programs.
24 2. Shall coordinate the efforts to carry out the state plan and coordinate
25 all state and federal financial support of alcohol and drug abuse programs
26 in this state.
27 3. Must be consulted in the planning of projects and advised of all
28 applications for grants from within this state which are concerned with
29 alcohol and drug abuse programs, and shall review the applications and
30 advise the applicants concerning the applications.
31 4. Shall certify or deny certification of ~~any halfway houses for alcohol~~
32 ~~and drug abusers,~~ detoxification technicians or any facilities or programs
33 on the basis of the standards established by the board pursuant to this
34 section, and publish a list of certified ~~halfway houses for alcohol and drug~~
35 ~~abusers,~~ detoxification technicians, facilities and programs. Any ~~halfway~~
36 ~~houses for alcohol and drug abusers,~~ detoxification technicians, facilities
37 or programs which are not certified are ineligible to receive state and
38 federal money for alcohol and drug abuse programs. The board shall adopt
39 regulations. The regulations:
40 (a) ~~Must prescribe the standards for certification of halfway houses for~~
41 ~~alcohol and drug abusers, facilities and programs;~~
42 ~~—(b).~~ Must prescribe the requirements for continuing education for
43 persons certified as detoxification technicians; and
44 ~~—(c).~~ (b) May prescribe the fees for the certification of ~~halfway houses~~
45 ~~for alcohol and drug abusers,~~ detoxification technicians, facilities or
46 programs. A fee prescribed pursuant to this paragraph must be calculated to
47 produce the revenue estimated to cover the costs related to the
48 certifications, but in no case may a fee for a certificate exceed the actual
49 cost to the health division of issuing the certificate.



* S B 3 1 9 R 2 *

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

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

5 458.026 1. An applicant for the issuance or renewal of his
6 certification as a detoxification technician ~~for as the operator of a halfway~~
7 ~~house for alcohol and drug abusers~~ must submit to the health division the
8 statement prescribed by the welfare division of the department of human
9 resources pursuant to NRS 425.520. The statement must be completed and
10 signed by the applicant.

11 2. The health division shall include the statement required pursuant to
12 subsection 1 in:

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

15 (b) A separate form prescribed by the health division.

16 3. The certification of a person as a detoxification technician ~~for as the~~
17 ~~operator of a halfway house for alcohol and drug abusers~~ may not be
18 issued or renewed by the health division if the applicant:

19 (a) Fails to complete or submit the statement required pursuant to
20 subsection 1; or

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

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

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

35 458.027 1. If the health division receives a copy of a court order
36 issued pursuant to NRS 425.540 that provides for the suspension of all
37 professional, occupational and recreational licenses, certificates and
38 permits issued to a person who has been certified as a detoxification
39 technician, ~~for as the operator of a halfway house for alcohol and drug~~
40 ~~abusers~~, the health division shall deem the certification to be suspended at
41 the end of the 30th day after the date on which the court order was issued
42 unless the health division receives a letter issued by the district attorney or
43 other public agency pursuant to NRS 425.550 to the person who has been
44 certified stating that the person has complied with the subpoena or warrant
45 or has satisfied the arrearage pursuant to NRS 425.560.

46 2. The health division shall reinstate the certification of a person as a
47 detoxification technician ~~for as the operator of a halfway house for alcohol~~
48 ~~and drug abusers~~ that has been suspended by a district court pursuant to
49 NRS 425.540 if the health division receives a letter issued by the district



* S B 3 1 9 R 2 *

1 attorney or other public agency pursuant to NRS 425.550 to the person
2 whose certification was suspended stating that the person whose
3 certification was suspended has complied with the subpoena or warrant or
4 has satisfied the arrearage pursuant to NRS 425.560.

5 **Sec. 11.** NRS 458.028 is hereby amended to read as follows:

6 458.028 An application for the certification of a detoxification
7 technician ~~for as the operator of a halfway house for alcohol and drug~~
8 ~~abusers,~~ must include the social security number of the applicant.

9 **Sec. 12.** NRS 129.050 is hereby amended to read as follows:

10 129.050 1. Except as otherwise provided in section 5 of *Assembly*
11 *Bill No. 173 of this* ~~act,~~ *session,* any minor who is under the influence of,
12 or suspected of being under the influence of, a controlled substance:

13 (a) May give express consent; or
14 (b) If unable to give express consent, shall be deemed to
15 consent,
16 to the furnishing of hospital, medical, surgical or other care for the
17 treatment of abuse of drugs or related illnesses by any public or private
18 hospital, medical facility, facility for the dependent, *other than a halfway*
19 *house for alcohol and drug abusers,* or any licensed physician, and the
20 consent of the minor is not subject to disaffirmance because of minority.

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

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

29 **Sec. 12.5.** Section 1 of Senate Bill No. 74 of this session is hereby
30 amended to read as follows:

31 Section 1. NRS 449.017 is hereby amended to read as follows:

32 449.017 1. Except as otherwise provided in subsection 2,
33 "residential facility for groups" means an establishment that furnishes
34 food, shelter, assistance and limited supervision to an aged, infirm,
35 mentally retarded or handicapped person. *The term includes, without*
36 *limitation, an assisted living facility.*

37 2. The term does not include:

38 (a) An establishment which provides care only during the day;
39 (b) A natural person who provides care for no more than two
40 persons in his own home;
41 (c) A natural person who provides care for one or more persons
42 related to him within the third degree of consanguinity or affinity;
43 (d) A halfway house for alcohol and drug abusers; or
44 (e) A facility funded by a division or program of the department of
45 human resources.

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

48 **Sec. 14.** Any regulations adopted by the bureau of alcohol and drug
49 abuse in the department of human resources pursuant to NRS 458.161 are



* S B 3 1 9 R 2 *

1 void. The legislative counsel shall remove those regulations from the
2 Nevada Administrative Code as soon as practicable after January 1, 2002.

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

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

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

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

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

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.

