

Sober Homes: Side-by-Side Legislative Changes 2023

Chapter Section Subd.	Previous Statute Language	Updated Statute Language	Effective Date	Chapter/ Article/ Section
245.91 Subd.3	Facility or program. "Facility" or "program" means a nonresidential or residential program as defined in section 245A.02, subdivisions 10 and 14, and any agency, facility, or program that provides services or treatment for mental illness, developmental disability, substance use disorder, or emotional disturbance that is required to be licensed, certified, or registered by the commissioner of human services, health, or education; and an acute care inpatient facility that provides services or treatment for mental illness, developmental disability, substance use disorder, or emotional disturbance.	Facility or program. "Facility" or "program" means a nonresidential or residential program as defined in section 245A.02, subdivisions 10 and 14, and any agency, facility, or program that provides services or treatment for mental illness, developmental disability, substance use disorder, or emotional disturbance that is required to be licensed, certified, or registered by the commissioner of human services, health, or education; <u>a sober home as defined in section 254B.01, subdivision 10</u> ; and an acute care inpatient facility that provides services or treatment for mental illness, developmental disability, substance use disorder, or emotional disturbance.	<u>7/1/2023</u>	S.F.No. 2934 61/4/3
<u>254B.01</u> <u>Subd. 10</u>		Sober home. A sober home is a cooperative living residence, a room and board residence, an <u>apartment, or any other living accommodation that:</u>	7/1/2023	S.F.No. 2934 61/4/8
<u>254B.01</u> <u>Subd. 10 (1)</u>		<u>(1) provides temporary housing to persons with substance use disorders;</u>		

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<u>254B.01 Subd. 10 (2)</u>		<u>(2) stipulates that residents must abstain from using alcohol or other illicit drugs or substances not prescribed by a physician;</u>		
<u>254B.01 Subd. 10 (3)</u>		<u>(3) charges a fee for living there;</u>		
<u>254B.01 Subd. 10 (4)</u>		<u>(4) does not provide counseling or treatment services to residents;</u>		
<u>254B.01 Subd. 10 (5)</u>		<u>(5) promotes sustained recovery from substance use disorders; and</u>		
<u>254B.01 Subd. 10 (6)</u>		<u>(6) follows the sober living guidelines published by the federal Substance Abuse and Mental Health Services Administration.</u>		
<u>254B.181 Subd. 1</u>		Requirements. <u>All sober homes must comply with applicable state laws and regulations and local ordinances related to maximum occupancy, fire safety, and sanitation. In addition, all sober homes must:</u>	7/1/2023	S.F.No. 2934 61/4/14
<u>254B.181 Subd. 1 (1)</u>		<u>(1) maintain a supply of an opiate antagonist in the home and post information on proper use;</u>		
<u>254B.181 Subd. 1 (2)</u>		<u>(2) have written policies regarding access to all prescribed medications;</u>		
<u>254B.181 Subd. 1 (3)</u>		<u>(3) have written policies regarding evictions;</u>		
<u>254B.181 Subd. 1 (4)</u>		<u>(4) return all property and medications to a person discharged from the home and retain the items for a minimum of 60 days if the person did not collect them upon discharge. The owner must make an effort to contact persons listed as emergency contacts for the discharged person so that the items are returned;</u>		

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<u>254B.181 Subd. 1 (5)</u>		<u>(5) document the names and contact information for persons to contact in case of an emergency or upon discharge and notification of a family member, or other emergency contact designated by the resident under certain circumstances, including but not limited to death due to an overdose;</u>		
<u>254B.181 Subd. 1 (6)</u>		<u>(6) maintain contact information for emergency resources in the community to address mental health and health emergencies;</u>		
<u>254B.181 Subd. 1 (7)</u>		<u>(7) have policies on staff qualifications and prohibition against fraternization;</u>		
<u>254B.181 Subd. 1 (8)</u>		<u>(8) have a policy on whether the use of medications for opioid use disorder is permissible;</u>		
<u>254B.181 Subd. 1 (9)</u>		<u>(9) have a fee schedule and refund policy;</u>		
<u>254B.181 Subd. 1 (10)</u>		<u>(10) have rules for residents;</u>		
<u>254B.181 Subd. 1 (11)</u>		<u>(11) have policies that promote resident participation in treatment, self-help groups, or other recovery supports;</u>		
<u>254B.181 Subd. 1 (12)</u>		<u>(12) have policies requiring abstinence from alcohol and illicit drugs; and</u>		
<u>254B.181 Subd. 1 (13)</u>		<u>(13) distribute the sober home bill of rights.</u>		
<u>254B.181 Subd. 2</u>		<u>Bill of rights. An individual living in a sober home has the right to:</u>		
<u>254B.181 Subd. 2 (1)</u>		<u>(1) have access to an environment that supports recovery;</u>		

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<u>254B.181 Subd. 2 (2)</u>		<u>(2) have access to an environment that is safe and free from alcohol and other illicit drugs or substances;</u>		
<u>254B.181 Subd. 2 (3)</u>		<u>(3) be free from physical and verbal abuse, neglect, financial exploitation, and all forms of maltreatment covered under the Vulnerable Adults Act, sections 626.557 to 626.5572;</u>		
<u>254B.181 Subd. 2 (4)</u>		<u>(4) be treated with dignity and respect and to have personal property treated with respect;</u>		
<u>254B.181 Subd. 2 (5)</u>		<u>(5) have personal, financial, and medical information kept private and to be advised of the sober home's policies and procedures regarding disclosure of such information;</u>		
<u>254B.181 Subd. 2 (6)</u>		<u>(6) access, while living in the residence, to other community-based support services as needed;</u>		
<u>254B.181 Subd. 2 (7)</u>		<u>(7) be referred to appropriate services upon leaving the residence, if necessary;</u>		
<u>254B.181 Subd. 2 (8)</u>		<u>(8) retain personal property that does not jeopardize safety or health;</u>		
<u>254B.181 Subd. 2 (9)</u>		<u>(9) assert these rights personally or have them asserted by the individual's representative or by anyone on behalf of the individual without retaliation;</u>		
<u>254B.181 Subd. 2 (10)</u>		<u>(10) be provided with the name, address, and telephone number of the ombudsman for mental health, substance use disorder, and developmental disabilities and information about the right to file a complaint;</u>		

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<u>254B.181 Subd. 2 (11)</u>		<u>(11) be fully informed of these rights and responsibilities, as well as program policies and procedures; and</u>		
<u>254B.181 Subd. 2 (12)</u>		<u>(12) not be required to perform services for the residence that are not included in the usual expectations for all residents.</u>		
<u>254B.181 Subd. 3</u>		<u>Complaints; ombudsman for mental health and developmental disabilities.</u> Any complaints about a sober home may be made to and reviewed or investigated by the ombudsman for mental health and developmental disabilities, pursuant to sections 245.91 and 245.94.		
<u>254B.181 Subd. 4</u>		<u>Private right of action.</u> In addition to pursuing other remedies, an individual may bring an action to recover damages caused by a violation of this section.		
<u>325F.725</u>		<u>SOBER HOME TITLE PROTECTION.</u> No person or entity may use the phrase "sober home," whether alone or in combination with other words and whether orally or in writing, to advertise, market, or otherwise describe, offer, or promote itself, or any housing, service, service package, or program that it provides within this state, unless the person or entity meets the definition of a sober home in section 254B.01, subdivision 10, and meets the requirements of section 254B.181.	7/1/2023	S.F.No. 2934 61/4/20
		<u>SOBER HOME SCAN.</u> The commissioner of human services shall conduct a survey to identify sober home settings across the state and to collect information about the services they provide, their	7/1/2023	S.F.No. 2934 61/4/26

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		<p><u>funding sources, whether they specialize in serving specific populations, and other information needed to inform policies to strengthen sober housing in the state. The commissioner must collaborate with the Minnesota Association of Sober Homes, sober home operators, the recovery community, behavioral health providers that work directly with sober housing, and recovery community organizations to provide input and data for this survey.</u></p>		