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HOUSE BILL NO. 2045

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 22, 2019)

(Patron Prior to Substitute—Delegate Hurst)

A *BILL to amend the Code of Virginia by adding in Article 4 of Chapter 4 of Title 37.2 a section numbered 37.2-431.1, relating to Department of Behavioral Health and Developmental Services; certification of recovery residences.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 4 of Title 37.2 a section numbered 37.2-431.1 as follows:

§ 37.2-431.1. Certified recovery residences.

A. As used in this section:

"Certified recovery residence" means a recovery residence that has been certified by the Department.

"Credentialing entity" means a nonprofit organization that develops and administers professional certification programs according to nationally recognized recovery housing standards.

"Recovery residence" means a housing facility that provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services.

B. No person shall advertise, represent, or otherwise imply to the public that a recovery residence or other housing facility is a certified recovery residence unless such recovery residence or other housing facility has been certified by the Department in accordance with regulations adopted by the Board. Such regulations may require accreditation by or membership in a credentialing agency as a condition of certification.

C. The Department shall maintain a list of certified recovery residences on its website.

D. The Department may institute civil proceedings in the name of the Commonwealth to enjoin any person from violating the provisions of this section and to recover a civil penalty of at least \$200 but no more than \$1,000 for each violation. Such proceedings shall be brought in the general district or circuit court for the county or city in which the violation occurred or where the defendant resides. Civil penalties assessed under this section shall be paid into the Behavioral Health and Developmental Services Trust Fund established in § 37.2-318.