

By: Johnson of Harris

H.B. No. 293

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of group homes for recovering substance abusers; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 260B to read as follows:

CHAPTER 260B. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS

Sec. 260B.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the commission.

(3) "Group home for recovering substance abusers" means an establishment that furnishes lodging to six or more persons who are recovering substance abusers and who are unrelated to the owner of the establishment by blood or marriage.

(4) "Resident" means an individual residing in a group home for recovering substance abusers. The term does not include the owner, operator, or employees of the group home.

Sec. 260B.002. EXEMPTIONS. This chapter does not apply to:

(1) a person required to be licensed under Chapter 142, 242, 246, 247, or 252 or governed by Chapter 260;

(2) a person exempt from licensing under Section 142.003(a)(19), 242.003(3), or 247.004(4);

1 (3) a hotel as defined by Section 156.001, Tax Code;

2 (4) a retirement community;

3 (5) a monastery or convent;

4 (6) a child-care facility as defined by Section
5 42.002, Human Resources Code;

6 (7) a family violence shelter center as defined by
7 Section 51.002, Human Resources Code; or

8 (8) a sorority or fraternity house or other dormitory
9 associated with an institution of higher education.

10 Sec. 260B.003. LICENSE REQUIRED. A person may not
11 establish or operate a group home for recovering substance abusers
12 in this state unless the person holds a license issued under this
13 chapter.

14 Sec. 260B.004. RULES. The executive commissioner by rule
15 shall:

16 (1) require that, at a minimum, before the commission
17 may approve an application for a group home for recovering
18 substance abusers license:

19 (A) the person applying for the license provides
20 identifying information to enable the commission to conduct a
21 criminal background check on the person; and

22 (B) the commission determines that the location
23 of the group home promotes the safety of the residents and of
24 neighboring residences;

25 (2) develop standards for the operation of a group
26 home for recovering substance abusers to ensure the operator of a
27 group home:

1 (A) provides to the commission evidence that all
2 residents of the group home are recovering substance abusers;

3 (B) prohibits the use by any person of alcohol or
4 any illegal drug in the group home; and

5 (C) expels a resident who uses alcohol or any
6 illegal drug in the group home; and

7 (3) establish:

8 (A) the manner and form for applying for a
9 license to establish and operate a group home for recovering
10 substance abusers; and

11 (B) the procedures for the issuance, denial,
12 renewal, suspension, and revocation of a license issued under this
13 chapter.

14 Sec. 260B.005. FEES. (a) The executive commissioner may
15 set and the commission may charge fees for issuance and renewal of a
16 group home for recovering substance abusers license in the amounts
17 reasonable and necessary to cover the costs of administering this
18 chapter.

19 (b) The executive commissioner may set and the commission
20 may charge reasonable fees for an inspection, survey, or
21 investigation made under Section 260B.007.

22 (c) The commission may impose fines against a group home for
23 recovering substance abusers for noncompliance with this chapter.

24 Sec. 260B.006. REQUIRED POSTING. A group home for
25 recovering substance abusers that holds a license issued under this
26 chapter shall prominently and conspicuously post for display in a
27 public area of the group home that is readily available to

1 residents, the operator, employees, and visitors:

2 (1) the license;

3 (2) a sign prescribed by the commission specifying the
4 manner in which complaints may be registered with the commission;

5 (3) a notice in a form prescribed by the commission
6 stating inspection and related reports are available at the group
7 home for public inspection and providing a telephone number to be
8 used to obtain information concerning the group home;

9 (4) a concise summary of the most recent inspection
10 report relating to the group home; and

11 (5) a notice in a form prescribed by the commission
12 that lists the name, location, and contact information for:

13 (A) the closest local public health services
14 agency in the proximity of the group home; and

15 (B) a local organization or entity that
16 represents or serves recovering substance abusers, including any
17 related toll-free contact information for reporting emergencies to
18 the organization or entity.

19 Sec. 260B.007. INSPECTIONS, SURVEYS, AND INVESTIGATIONS.

20 (a) The commission may conduct any inspection, survey, or
21 investigation the commission considers necessary and may enter the
22 premises of a group home for recovering substance abusers at
23 reasonable times to make an inspection, survey, or investigation.

24 (b) The commission is entitled to access to books, records,
25 and other documents maintained by or for a group home for recovering
26 substance abusers to the extent necessary to enforce the
27 requirements of this chapter.

1 SECTION 2. Not later than March 1, 2018, the executive
2 commissioner of the Health and Human Services Commission shall
3 adopt the rules necessary to implement Chapter 260B, Health and
4 Safety Code, as added by this Act.

5 SECTION 3. Notwithstanding Chapter 260B, Health and Safety
6 Code, as added by this Act, a group home for recovering substance
7 abusers is not required to obtain a license under that chapter or
8 comply with that chapter until April 1, 2018.

9 SECTION 4. This Act takes effect December 1, 2017.