



## 2022 South Dakota Legislature

# House Bill 1161

Introduced by: **Representative Olson**

1 **An Act to create a registration requirement for sober living homes.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That a NEW SECTION be added to title 34:**

4 For purposes of this chapter, the term, sober living home, means any dwelling in  
 5 which:

- 6 (1) An alcohol-free or drug-free housing environment is maintained for unrelated  
 7 individuals recovering from substance use disorders;  
 8 (2) Independent living and life skills development are promoted; and  
 9 (3) Medication administration is limited to prescribed medications that are taken, in  
 10 combination with counseling and behavioral therapies, to provide a whole-patient  
 11 approach to the treatment of substance use disorders.

12 **Section 2. That a NEW SECTION be added to title 34:**

13 Each sober living home must be registered with the Department of Social Services.  
 14 The registration is valid for one year and may be issued only upon a showing that the  
 15 home is maintained and operated in accordance with the following provisions:

- 16 (1) That any person who requires medication-assisted treatment may receive the  
 17 treatment, while residing in the sober living home, subject to adequate security  
 18 being provided for any medications;  
 19 (2) That drug and alcohol abstinence is verified through consistent and fair practices;  
 20 (3) That the activities of persons who reside in the sober living home promote the  
 21 safety and well-being of the neighborhood and the community at large;  
 22 (4) That discharge planning for persons residing in the sober living home does not  
 23 negatively impact the neighborhood or community at large;  
 24 (5) That any neighborhood concerns or complaints are immediately and thoroughly  
 25 addressed;

- 1       (6) That the owner or operator of a sober living home maintains:  
2           (a) Up-to-date emergency contact information for each person residing in the  
3           home;  
4           (b) A description of each person's medical condition; and  
5           (c) A list of each person's medications;  
6       (7) That all persons residing in the sober living home are informed of the applicable  
7           rules and policies and that the rules and policies -are posted in a conspicuous place  
8           within the home;  
9       (8) That standard accounting practices govern the collection of rent payments and the  
10           payment of all shared costs and other expenses;  
11       (9) That a complaint procedure for the use of persons residing in the home is developed  
12           and posted in a conspicuous place within the home; and  
13       (10) That functioning smoke detectors, carbon monoxide detectors, and fire  
14           extinguishers are available, in accordance with recommendations of the fire  
15           department having jurisdiction over the home.

16       Any person who owns a dwelling and allows that dwelling to be used as a sober  
17       living home, without meeting the registration requirements of this section, is guilty of a  
18       Class 1 misdemeanor and may be subject to a civil penalty, by the department, in the  
19       amount of one thousand dollars for each day the dwelling is not registered. The  
20       department shall forward any amount received as a civil penalty under this section to the  
21       state treasurer for deposit in the general fund.

22       **Section 3. That a NEW SECTION be added to title 34:**

23           The Department of Social Services shall charge a registration fee in the amount of  
24           one thousand dollars and an annual renewal fee in the amount of five hundred dollars.  
25           The department shall forward any fees collected under this section to the state treasurer  
26           for deposit in the general fund.

27       **Section 4. That a NEW SECTION be added to title 34:**

28           The Department of Social Services shall maintain, on its website, a list of registered  
29           sober living homes. Neither a state agency nor a contracted vendor may refer a person to  
30           a sober living home unless that home is registered, as required by section 2 of this Act.

31           State funds may not be expended in support of any sober living home, unless that  
32           home is registered, as required by section 2 of this Act.