

## 2022 South Dakota Legislature

**House Bill 1161****AMENDMENT 1161F FOR THE INTRODUCED BILL**

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; and

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- Persons are provided with one or more methods of~~  
12 ~~treatment for substance use disorders, ranging from recovery housing to clinical~~  
13 ~~treatment.~~

14 The term does not include an accredited prevention or treatment facility, as defined  
15 in § 34-20A-2.

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

17 Each sober living home must be registered with the Department of Social Services.  
18 The registration is valid for one year and may be issued only upon a showing that the  
19 home is ~~in compliance with local building codes and zoning requirements, and~~ maintained  
20 and operated in accordance with the following provisions:

21 (1) That any person ~~who requires residing in a sober living home that provides~~  
22 ~~medication-assisted treatment may receive the treatment, while residing in the~~  
23 ~~sober living home,~~ subject to adequate security being provided for any  
24 medications;

- 1 ~~(2) That drug and alcohol abstinence is verified through consistent and fair practices;~~  
2 ~~(3) That the activities of persons who reside in the sober living home promote the~~  
3 ~~safety and well-being of the neighborhood and the community at large;~~  
4 ~~(4) That discharge planning for persons residing in the sober living home does not~~  
5 ~~negatively impact the neighborhood or community at large;~~  
6 ~~(5) That any neighborhood concerns or complaints are immediately and thoroughly~~  
7 ~~addressed That the sober living home develops and enforces rules to maintain an~~  
8 ~~alcohol and drug-free environment, with an exception for prescribed or over-the-~~  
9 ~~counter drugs that are taken as directed;~~  
10 ~~(3) That any complaints received by a municipality regarding the sober living home~~  
11 ~~are addressed in accordance with applicable ordinances;~~  
12 ~~(6)(4) That the owner or operator of a sober living home maintains:~~  
13 ~~(a) Up-to-date emergency contact information for each person residing in the~~  
14 ~~home;~~  
15 ~~(b) A list of each person's medications; and~~  
16 ~~(c) In the case of a clinical treatment sober living home, a description of each~~  
17 ~~person's medical condition; and~~  
18 ~~(c) A list of each person's medications;~~  
19 ~~(7)(5) That all persons residing in the sober living home are informed of the applicable~~  
20 ~~rules and policies and that the rules and policies are posted in a conspicuous place~~  
21 ~~within the home;~~  
22 ~~(8) That standard accounting practices govern the collection of rent payments and the~~  
23 ~~payment of all shared costs and other expenses;~~  
24 ~~(9)(6) That a complaint procedure for the use of persons residing in the home is developed~~  
25 ~~and posted in a conspicuous place within the home; and~~  
26 ~~(10)(7) That functioning single or multi-station smoke detectors alarms, carbon monoxide~~  
27 ~~detectors, and fire extinguishers are available installed and maintained, in~~  
28 ~~accordance with recommendations of the fire department having jurisdiction over~~  
29 ~~the home.~~  
30 ~~Any person who owns a dwelling and allows that dwelling to be used as a sober~~  
31 ~~living home, without meeting the registration requirements of this section, is guilty of a~~  
32 ~~Class 1 misdemeanor and may be subject to a civil penalty, by the department, in the~~  
33 ~~amount of one thousand dollars for each day the dwelling is not registered. The~~  
34 ~~department shall forward any amount received as a civil penalty under this section to the~~  
35 ~~state treasurer for deposit in the general fund local ordinances.~~

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2 ~~Section 3. That a NEW SECTION be added to title 34:~~

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

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

8 The Department of Social Services shall maintain, on its website, a list of registered  
9 sober living homes.

10 Neither a state agency nor a contracted vendor may refer a person to a sober living  
11 home unless that home is registered, as required by section 2 of this Act.

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

14 ~~No home may hold itself out to be a sober living home or accept residents for~~  
15 ~~purposes of sober living unless that home is registered, as required by section 2 of this~~  
16 ~~Act.~~

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