



2022 South Dakota Legislature

House Bill 1161

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED

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; and

8 (2) Persons are provided with one or more methods of treatment for substance use
9 disorders, ranging from recovery housing to clinical treatment.

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

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 in compliance with local building codes and zoning requirements, and maintained
16 and operated in accordance with the following provisions:

17 (1) That any person residing in a sober living home that provides medication-assisted
18 treatment may receive the treatment, subject to adequate security being provided
19 for any medications;

20 (2) That the sober living home develops and enforces rules to maintain an alcohol and
21 drug-free environment, with an exception for prescribed or over-the-counter drugs
22 that are taken as directed;

23 (3) That any complaints received by a municipality regarding the sober living home
24 are addressed in accordance with applicable ordinances;

25 (4) That the owner or operator of a sober living home maintains:

- 1 (a) Up-to-date emergency contact information for each person residing in the
2 home;
- 3 (b) A list of each person's medications; and
- 4 (c) In the case of a clinical treatment sober living home, a description of each
5 person's medical condition;
- 6 (5) 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 (6) That a complaint procedure for the use of persons residing in the home is developed
10 and posted in a conspicuous place within the home; and
- 11 (7) That single or multi-station smoke alarms, carbon monoxide detectors, and fire
12 extinguishers are installed and maintained, in accordance with local ordinances.

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

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

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

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

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