

# State of Wisconsin



2019 Assembly Bill 646

Date of enactment: **March 3, 2020**

Date of publication\*: **March 4, 2020**

## 2019 WISCONSIN ACT 120

**AN ACT** to amend 230.34 (1) (a) 3. and 230.34 (1) (a) 4.; and to create 46.234 of the statutes; relating to: registration of recovery residences and disciplinary action against a state employee who is receiving medication-assisted treatment.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 46.234 of the statutes is created to read:

**46.234 Recovery residences; registration. (1)**

**DEFINITION.** In this section, "recovery residence" means a home-like, residential environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support.

**(2) REGISTRATION.** The department shall establish and maintain a registry of approved recovery residences. Subject to sub. (3), the department shall approve a recovery residence for inclusion in the registry if the recovery residence requests registration from the department and agrees to do or does all of the following:

(a) Operate with integrity, uphold residents' rights, create a culture of empowerment where residents engage in governance and leadership, and develop abilities to apply the social model form of recovery that focuses on learning from the experiences of peers who are also in recovery.

(b) Provide a home-like, safe, and healthy environment.

(c) Facilitate active recovery and recovery community engagement, model positive social behaviors and relationship enhancement skills, and cultivate residents'

senses of belonging and responsibility toward community.

(d) Maintain an environment in the residence free from alcohol and illicit drugs.

(e) Have courtesy rules for residents and be responsive to concerns of neighbors to the residence.

(f) Display in the residence the code of ethics, grievance procedure, and grievance contact information.

**(3) ACCEPTANCE OF MEDICATION-ASSISTED TREATMENT.** Beginning on the first day of the 25th month beginning after the effective date of this subsection .... [LRB inserts date], the department may not include a recovery residence in the registry if the recovery residence excludes any resident solely on the basis that the resident is participating in medication-assisted treatment.

**(4) REGISTRATION REQUIRED FOR REFERRALS OR FUNDING.** A recovery residence is not required to register with the department unless the recovery residence seeks referrals under sub. (5) or state or federal funds passing through the state treasury.

**(5) REFERRALS.** Upon request for referrals to recovery residences, the department shall provide a list of recovery residences that are included on the registry under sub. (2). The department may limit the list of registered recovery residences provided under this subsection

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

based on the geographical and other preferences specified by the person requesting referrals.

(6) **USE OF REGISTERED DESIGNATION.** A recovery residence may not use the designation of or hold itself out as “registered” or “state approved” unless the recovery residence is included in the registry under sub. (2).

(7) **INFORMATION REQUIRED.** The recovery residence shall provide at the time of its request for registration for the purpose of inclusion on the registry all of the following information:

(a) The name of any organization that has certified the recovery residence.

(b) The name of any organization under which the recovery residence operates.

(c) The address of the recovery residence.

(d) The number of residents allowed to reside at the recovery residence.

(8) **REVOCATION OF REGISTRATION.** The department shall revoke the registration of a recovery residence if the recovery residence ceases to meet the criteria under sub. (2).

**SECTION 2.** 230.34 (1) (a) 3. of the statutes is amended to read:

230.34 (1) (a) 3. While on duty, being intoxicated or under the influence of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m). This subdivision does not apply to an employee who is under the influence of a controlled substance or controlled substance analog if the employee is using the controlled substance or controlled substance analog as dispensed, prescribed, or recommended as part of medication-assisted treatment.

**SECTION 3.** 230.34 (1) (a) 4. of the statutes is amended to read:

230.34 (1) (a) 4. While on duty, being in possession of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), without a prescription. This subdivision does not apply to an employee who is in possession of a controlled substance or a controlled substance analog if the employee is using the controlled substance or controlled substance analog as dispensed, prescribed, or recommended as part of medication-assisted treatment.

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