

AMENDED IN SENATE MARCH 10, 2025

**SENATE BILL**

**No. 35**

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**Introduced by Senator Umberg**

December 3, 2024

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An act to amend ~~Section 1019 of the Penal Code, relating to criminal procedure.~~ *Sections 11833.05 and 11834.31 of the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Umberg. ~~Criminal procedure: pleas.~~ *Alcohol and drug programs.*

*Existing law provides for the licensure and regulation of adult alcohol or other drug recovery or treatment facilities by the State Department of Public Health and prohibits the operation of one of those facilities without a current valid license. Existing law requires the department, if a facility is alleged to be in violation of that prohibition, to conduct a site visit to investigate the allegation. Existing law requires, if the department's employee or agent finds evidence that the facility is providing services without a license, the employee or agent to take specified actions, including, among others, submitting the findings of the investigation to the department and issuing a written notice to the facility that includes the date by which the facility is required to cease providing services.*

*This bill would require the department to initiate that investigation within 10 days of receiving the allegation and complete the investigation within 60 days of initiating the investigation. The bill would require the employee or agent to provide the notice described above within 10 days of the employee or agency submitting their findings to the department and to conduct a followup site visit to determine whether*

*the facility has ceased providing services by the date specified in the notice. The bill would authorize these provisions to be enforced by the city attorney of a city in which the facility is located, or by the county counsel or the county behavioral health agency if the facility is located in the unincorporated area of the county, if the department fails to initiate or conclude the investigation in accordance with these time limits.*

*Existing law requires licensed adult alcohol or other drug recovery or treatment facilities and certified alcohol or other drug programs to disclose to the department whether any of its agents, partners, directors, officers, or owners has a specified interest in a recovery residence and requires the department to take action against an unlicensed facility that is disclosed as a recovery residence.*

*This bill would require the department, if it takes action against a recovery residence pursuant to that provision, to conduct a site visit of a certified program or licensed facility that has disclosed the specified interest in the recovery residence.*

~~Existing law specifies that there are 6 kinds of pleas to an indictment or an information, or to a complaint charging a misdemeanor or infraction, one of which is a plea of not guilty. Existing law specifies that a plea of not guilty puts every material allegation of the accusatory pleading in issue except allegations regarding previous convictions.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     **SECTION 1.** *Section 11833.05 of the Health and Safety Code*
- 2     *is amended to read:*
- 3     11833.05. (a) A program certified by the department pursuant
- 4     to Chapter 7.1 (commencing with Section 11832) or a facility
- 5     licensed by the department pursuant to Chapter 7.5 (commencing
- 6     with Section 11834.01) shall disclose to the department if any of
- 7     its agents, partners, directors, officers, or owners, including a sole
- 8     proprietor and member, has either of the following:
- 9     (1) Ownership or control of, or financial interest in, a recovery
- 10    residence.

(2) Any contractual relationship with an entity that regularly provides professional services or substance use disorder treatment or recovery services to clients of programs certified or facilities licensed by the department, if the entity is not part of the program certified or facility licensed by the department.

(b) All programs certified or facilities licensed by the department shall make the disclosures pursuant to subdivision (a) upon initial licensure or certification, upon renewal of licensure or certification, and upon a licensed facility or certified program acquiring or starting a relationship that meets the description in paragraph (1) or (2) of subdivision (a).

(c) The department may suspend or revoke the certification of a program or license of a facility for failing to disclose the information required in subdivision (a).

(d) (1) The department shall take action pursuant to Section 11834.31 against an unlicensed facility that is disclosed as a recovery residence pursuant to paragraph (1) of subdivision (a). This subdivision does not require an investigation of a recovery residence that is not alleged to be operating in violation of Section 11834.30.

(2) *If the department takes action against a recovery residence, as described in paragraph (1), the department shall conduct a site visit of a certified program or licensed facility that has disclosed an interest in the recovery residence pursuant to subdivision (a).*

(e) The department may refer a substantiated complaint against a recovery residence to other enforcement entities as appropriate under state or federal law, including the Department of Insurance, the Department of Managed Health Care, the Attorney General, and the United States Attorney General.

(f) For the purposes of this section, “recovery residence” means a residential dwelling that provides primary housing for individuals who seek a cooperative living arrangement that supports personal recovery from a substance use disorder and that does not require licensure by the department or does not provide licensable services, pursuant to Chapter 7.5 (commencing with Section 11834.01). A recovery residence may include, but is not limited to, residential dwellings commonly referred to as “sober living homes,” “sober living environments,” or “unlicensed alcohol and drug free residences.”

1     *SEC. 2. Section 11834.31 of the Health and Safety Code is*  
2     *amended to read:*

3     11834.31. (a) (1) If a facility is alleged to be in violation of  
4     Section 11834.30, the department shall conduct a site visit to  
5     investigate the allegation. ~~If~~

6     (2) *In conducting the investigation, the department shall do*  
7     *both of the following:*

8     (A) *Initiate an investigation of the allegation within 10 days of*  
9     *receiving the allegation.*

10    (B) *Complete the investigation within 60 days of the initiation*  
11    *of the of the investigation.*

12    (3) *The department may extend the time limits in paragraph (2)*  
13    *if it notifies the person who made the initial allegation and the*  
14    *time from receipt of the allegation to the conclusion of the*  
15    *investigation does not exceed 90 days.*

16    (b) *If the department's employee or agent finds evidence that*  
17    *the facility is providing alcohol or other drug recovery, treatment,*  
18    *or detoxification services without a license, the employee or agent*  
19    *shall take the following actions:*

20    ~~(a)~~

21    (1) *Submit the findings of the investigation to the department.*

22    ~~(b)~~

23    (2) *Upon departmental authorization, issue a written notice to*  
24    *the facility stating that the facility is operating in violation of*  
25    *Section 11834.30. The notice shall be provided to the facility within*  
26    *10 days of the employee or agency submitting their findings to the*  
27    *department pursuant to paragraph (1) and shall include all of the*  
28    *following:*

29    ~~(1)~~

30    (A) *The date by which the facility shall cease providing services.*

31    ~~(2)~~

32    (B) *Notice that the department will assess against the facility a*  
33    *civil penalty of two thousand dollars (\$2,000) per day for every*  
34    *day the facility continues to provide services beyond the date*  
35    *specified in the notice.*

36    ~~(3)~~

37    (C) *Notice that the case will be referred for civil proceedings*  
38    *pursuant to Section 11834.32 in the event the facility continues to*  
39    *provide services beyond the date specified in the notice.*

40    ~~(e)~~

1 (3) Inform the facility of the licensing requirements of this  
2 chapter.

3 (4) *Conduct a followup site visit to determine whether the facility*  
4 *has ceased providing services by the date specified in*  
5 *subparagraph (A) of paragraph (2).*

6 ~~(d)~~

7 (c) A person or entity found to be in violation of Section  
8 11834.30 shall be prohibited from applying for initial licensure  
9 for a period of five years from the date of the notice specified in  
10 *paragraph (2) of subdivision (b).*

11 (d) *The provisions of this section may be enforced by the city*  
12 *attorney of a city in which the facility is located, or by the county*  
13 *counsel or the county behavioral health agency if the facility is*  
14 *located in the unincorporated area of the county, if the department*  
15 *fails to initiate or conclude the investigation in accordance with*  
16 *the time limits specified in subdivision (a).*

17 SECTION 1. ~~Section 1019 of the Penal Code is amended to~~  
18 ~~read:~~

19 ~~1019. A plea of not guilty puts every material allegation of the~~  
20 ~~accusatory pleading in issue except those allegations regarding~~  
21 ~~previous convictions of the defendant to which an answer is~~  
22 ~~required by Section 1025.~~