

**222.502 Certification required for residences promoting recovery from substance use disorder -- Exceptions.**

- (1) (a) Effective July 1, 2024, no individual or entity shall, except as provided in paragraph (b) of this subsection and subsection (2) of this section, establish, operate, or maintain a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances or represent, promote, advertise, or otherwise claim to operate a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances unless that individual or entity has:
  1. Been certified by a certifying organization; and
  2. Provided proof of certification by a certifying organization to the cabinet in a form and manner prescribed by the cabinet.
- (b) The provisions of this subsection shall not apply to:
  1. A recovery residence that is recognized as a part of the Recovery Kentucky Program administered by the Kentucky Housing Corporation; or
  2. A recovery residence that is:
    - a. Owned or operated by an entity that is exempt, in part or in whole, pursuant to 42 U.S.C. sec. 3607 or 12187 from compliance with the Americans with Disabilities Act, Pub. L. No. 101-336, or the Fair Housing Act, Pub. L. No. 100-430; and
    - b. Affiliated with a religious institution that is organized under 26 U.S.C. sec. 501(c) for charitable religious purposes;unless the recovery residence accepts Medicare or Medicaid funds.
- (2) Notwithstanding subsection (1) of this section:
  - (a) A recovery residence operating without certification from a certifying organization on June 30, 2024, shall be permitted to continue to operate until December 31, 2024, if, except as provided in paragraph (c) of this subsection, the recovery residence provides the cabinet with proof that it initiated a certification process with a certifying organization prior to July 1, 2024;
  - (b) A recovery residence that seeks to begin operating after July 1, 2024, may be permitted by the cabinet to operate for a period of not more than six (6) months if the recovery residence provides the cabinet with proof that it has initiated a certification process with a certifying organization; and
  - (c) Notwithstanding paragraph (a) of this subsection, a recovery residence that provides on-site clinical services or access to on-site clinical services operating without certification from a certifying organization on June 30, 2024, shall be permitted to continue operating after July 1, 2024, but shall be

required to provide proof of certification by a certifying organization to the cabinet no later than December 31, 2024.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 132, sec. 2, effective July 15, 2024. -- Created 2023 Ky. Acts ch. 85, sec. 2, effective June 29, 2023.