

Tennessee bills regulate sober homes, marketing

Managing partner and founding board chair of the [Behavioral Health Association of Providers](#), [Harry Nelson](#), was interviewed by Behavioral Healthcare Executive regarding Tennessee state legislature recently passing a pair of bills that will more tightly regulate sober living homes and the marketing of alcohol and drug addiction treatment services.

From the article:

The Tennessee state legislature recently passed a pair of bills that will more tightly regulate sober living homes and the marketing of alcohol and drug addiction treatment services.

HB 1929 authorizes municipalities to adopt an ordinance requiring sober living homes to:

- Provide notification to the municipality that includes the name and address of the home, the property owner's name and contact information, and, if the property is leased, documentation showing the property may be used as a sober living home;
- Establish and comply with an operational plan that: facilitates rehabilitation, including resident supervision and discharge planning, and addresses property maintenance and local noise ordinance compliance.

Harry Nelson, founding board chair of the Behavioral Health Association of Providers, says the two bills are similar to those working their way through other states' legislatures, although they take a more moderate approach than some hardline states.

Tennessee's new sober living home requirements are not as draconian as those found in places such as Florida, but they still could cause some consternation for operators, Nelson says.

"From my perspective, it looks like a fairly moderate set of requirements. At the same time, the sober living community feels very threatened by these requirements because these registration and disclosure requirements become an invitation to local communities to limit sober living operators," says Nelson, who is also founder and managing partner of the Nelson Hardiman law firm. "The sober living community is sort of traumatized by a history of NIMBYism and by the experience of cities wanting to do everything possible to prevent more sober livings being created, with the perspective there is not enough access and we desperately need more beds."

Historically, regulations on sober living homes have been limited by protections under the Fair Housing Act, although those protections recently have come under scrutiny.

"Essentially what (HB 1929) is doing is trying to put in place more local regulation of sober living, which has been historically very limited by the 1988 amendments to the Fair Housing Act," Nelson says. "The bill is much more about the problems on the ground that are happening with this whole category of unlicensed facilities. That's also consistent with activity we're seeing in state legislatures around the country and what we're seeing in Congress, which is a re-examination of the Fair Housing Act and other protections of sober living homes, making them legally protected in the same way we protect group homes for people with physical or mental disabilities."

HB 2068 creates criminal offenses relating to the marketing of addiction treatment services by providers, facilities and third-party marketers. Among the activities covered under the bill: creating false/misleading statements in marketing materials, creating websites and links that surreptitiously direct readers to other sites, and engaging in undisclosed kickback programs for patient referrals.

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