

FACTSHEET
SAMHSA'S CHARITABLE CHOICE REGULATIONS
42 CFR Parts 54 and 54a

- SAMHSA's Charitable Choice laws and regulations apply to discretionary programs funding substance abuse prevention and treatment services, including ATR (42 CFR Part 54a), and to the Substance Abuse Prevention and Treatment Block Grant (SAPT), and to SAMHSA's formula grant, Projects for Assistance in Transition from Homelessness (PATH) (42 CFR Part 54).
- Charitable Choice ensures that religious organizations are able to compete on an equal footing for Federal substance abuse services funding from SAMHSA.
- It establishes a system whereby the religious organization has the right to maintain its religious character, while the person receiving services has the right to alternative services if he objects to the religious character of the provider organization.
- Religious organizations need to take steps to ensure that their inherently religious activities, such as religious worship, instruction, or proselytization, are separate - in time or location - from the government-funded services that they offer.
- "Program Participants" are grantees; "program beneficiaries" are recipients of services.

SAMHSA IMPLEMENTATION ISSUES

- As part of their application packages, SAMHSA applicants will submit assurances that they will comply with SAMHSA's Charitable Choice laws and regulations.
- States will submit annual reports describing activities to comply with these provisions under the SAPT and PATH programs. Other grantees will report on referrals to alternative services.

OVERVIEW OF REGULATION SECTIONS

Section 54.1 (54a.1) – Scope.	
Section 54.2 (54a.2) – Definitions.	
Section 54.3 (54a.3) – Non-Discrimination Against Religious Organizations	States that religious organizations are eligible to participate in SAMHSA funding.
Section 54.4 (54a.4) – Religious Activities	Must be "separate in time or location."
Section 54.5 (54a.5) – Religious Character	Religious organizations can maintain their religious character; Not required to remove icons or religious symbols.
Section 54.6 (54a.6) – Employment Practices	Religious organizations can maintain their right to hire of their own faith.
Section 54.7 (54a.7) – Non-Discrimination Against Program Beneficiaries	Clients can't be discriminated against for beliefs or refusing to "actively participate"
Section 54.8 (54a.8) – Alternative Services	1. Notice to all applicants 2. Timely referral to equivalent services 3. Services to be provided/funded by responsible unit of government
Section 54.9 (54a.9) – Assurances & State Oversight	
Section 54.10 (54a.10) – Fiscal Accountability	Accounting standards; separate accounts
Section 54.11 (54a.11) – Effect on S/L funds	Commingled funds are subject to these Provisions.
Section 54.12 (54a.12) – Intermediate Orgs.	Provisions apply to them
Section 54.13 (54a.13) – Educational Requirements	States determine if counselor education is Comparable.
Section 54a.14 – Nonprofit status	Defines nonprofit status