

Jake Fitisemanu proposes the following substitute bill:

**Residential Notification Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jake Fitisemanu**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill amends provisions related to licensing requirements for residential treatment programs.

**Highlighted Provisions:**

This bill:

- defines terms; and
- requires residential facilities to:
  - notify nearby property owners and residents before beginning operations; and
  - provide contact information for a designated representative to neighboring residents.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26B-2-117**, as renumbered and amended by Laws of Utah 2023, Chapter 305

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26B-2-117** is amended to read:

**26B-2-117 . Licensing residential treatment programs and recovery residences --**

**Notification of local government.**

(1) As used in this section, "  $\hat{H}$ → **regulated** ← $\hat{H}$  residential facility" means  $\hat{H}$ → **a**

**licensed or certified** ← $\hat{H}$  :

(a)  $\hat{H}$ → [**a**] ← $\hat{H}$  residential treatment program;

(b)  $\hat{H}$ → [**a**] ← $\hat{H}$  residential support program;

28 (c) ~~It~~ → **[a]** ← ~~It~~ recovery residence; or

29 (d) ~~It~~ → **[a]** ← ~~It~~ facility that provides social detoxification services.

30 ~~(1)~~ (2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
31 Act, the office shall make rules that establish categories of residential treatment and  
32 recovery residence licenses based on differences in the types of residential treatment  
33 programs and recovery residences.

34 (b) The categories referred to in Subsection ~~(1)(a)~~ (2)(a) may be based on differences in:

35 (i) services offered;

36 (ii) types of clients served;

37 (iii) risks posed to the community; or

38 (iv) other factors that make regulatory differences advisable.

39 ~~(2)~~ (3) Subject to the requirements of federal and state law, and pursuant to the authority  
40 granted by Section 26B-2-104, the office shall establish and enforce rules that:

41 (a) relate generally to all categories of residential treatment program and recovery  
42 residence licenses; and

43 (b) relate to specific categories of residential treatment program and recovery residence  
44 licenses on the basis of the regulatory needs, as determined by the office, of  
45 residential treatment programs and recovery residences within those specific  
46 categories.

47 ~~(3)~~ (4)(a) Beginning July 1, 2014, the office shall charge an annual licensing fee, set by  
48 the office in accordance with the procedures described in Section 63J-1-504, to a  
49 recovery residence in an amount that will pay for the cost of the licensing and  
50 inspection requirements described in this section and in Section 26B-2-104.

51 (b) The office shall deposit the licensing fees described in this section in the General  
52 Fund as a dedicated credit to be used solely to pay for the cost of the licensing and  
53 inspection requirements described in this section and in Section 26B-2-104.

54 ~~(4)~~ (5) Before submitting an application for a license to operate a residential treatment  
55 program, the applicant shall serve notice of ~~its~~ the applicant's intent to operate a  
56 residential treatment program on the governing body of:

57 (a) the city in which the residential treatment program will be located; or

58 (b) if the residential treatment program will be located in the unincorporated area of a  
59 county, the county in which the residential treatment program will be located.

60 (6) ~~It~~ → **At least 30 days before beginning to provide** **Within 30 days of**

60a **providing** ← ~~It~~ services, a ~~It~~ → **regulated** ← ~~It~~ residential facility shall provide

61 notice of the facility's intent to begin operations to each property located within 300 feet  
 62 of the location where the ~~it~~ → **regulated** ← ~~it~~ residential facility will be located by:

63 (a) mailing notice to the property or residence; or

64 (b) attaching notice to the main entrance of the property or residence.

65 [~~5~~] (7)(a) The notice described in Subsection [~~4~~] (5) shall include the following  
 66 information relating to the residential treatment program:

67 [(a)] (i) an accurate description of the residential treatment program;

68 [(b)] (ii) the location where the residential treatment program will be operated;

69 [(c)] (iii) the services that will be provided by the residential treatment program;

70 [(d)] (iv) the type of clients that the residential treatment program will serve;

71 [(e)] (v) the category of license for which the residential treatment program is  
 72 applying to the office;

73 [(f)] (vi) the name, telephone number, and address of a person that may be contacted  
 74 to make inquiries about the residential treatment program; and

75 [(g)] (vii) any other information that the office may require by rule.

76 (b) The notice described in Subsection (6) shall include the following information  
 77 relating to the ~~it~~ → **regulated** ← ~~it~~ residential facility:

78 (i) the location where the ~~it~~ → **regulated** ← ~~it~~ residential facility will be operated;

79 (ii) a description of the ~~it~~ → **regulated** ← ~~it~~ residential facility's treatment focus;

79a and

80 (iii) contact information, including a telephone number and an email address, for a  
 81 representative of the ~~it~~ → **regulated** ← ~~it~~ residential facility.

82 [(6)] (8) When submitting an application for a license to operate a residential treatment  
 83 program, the applicant shall include with the application:

84 (a) a copy of the notice described in Subsection [~~4~~] (5); and

85 (b) proof that the applicant served the notice described in Subsection [~~4~~] (5) on the  
 86 governing body described in Subsection [~~4~~] (5).

87 **Section 2. Effective Date.**

88 This bill takes effect on May 7, 2025.