

HB048501

inserted text shows text that was not in HB0485S01 but was inserted into HB0485S02

Residential Notification Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jake Fitisemanu

Senate Sponsor:

AMENDS:

HB0485S01 compared with HB0485S02

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

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:

(a) "Regulated residential facility" means a licensed or certified:

(i) residential treatment program;

(ii) residential support program;

(iii) recovery residence; or

(iv) facility that provides social detoxification services.

(b) "Regulated residential facility" does not include a congregate care program.

~~[(1)]~~ (2)

(a) {As used in this section, " { ~~Ĥ~~→ } {} { regulated } {} { ←~~Ĥ~~ } { residential facility" means } { ~~Ĥ~~→ } {} {
{ a licensed or certified } {} { ←~~Ĥ~~ } { :

{(a)} { ~~Ĥ~~→ } {} { [~~a~~] } {} { ←~~Ĥ~~ } { residential treatment program; }

{(b)} { ~~Ĥ~~→ } {} { [~~a~~] } {} { ←~~Ĥ~~ } { residential support program; }

{(c)} { ~~Ĥ~~→ } {} { [~~a~~] } {} { ←~~Ĥ~~ } { recovery residence; or }

{(d)} { ~~Ĥ~~→ } {} { [~~a~~] } {} { ←~~Ĥ~~ } { facility that provides social detoxification services. }

{~~[(1)]~~ (2)}

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

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

(i) services offered;

(ii) types of clients served;

(iii) risks posed to the community; or

(iv) other factors that make regulatory differences advisable.

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[(2)] (3) Subject to the requirements of federal and state law, and pursuant to the authority 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 residence licenses;
and

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

47 [~~(3)~~] (4)

(a) Beginning July 1, 2014, the office shall charge an annual licensing fee, set by the office in accordance with the procedures described in Section 63J-1-504, to a recovery residence in an amount that will pay for the cost of the licensing and 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 Fund as a dedicated credit to be used solely to pay for the cost of the licensing and 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 program, the applicant shall serve notice of [its] the applicant's intent to operate a 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 county, the
county in which the residential treatment program will be located.

62 (6) Within 30 days of providing services, a regulated residential facility shall provide notice of the facility's intent to begin operations to each property located within 300 feet of the location where the regulated residential facility will be located by:

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

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

67 ~~[(5)]~~ (7)

60 ~~{(6)} {a} {H→} {} { { } At least 30 days before beginning to provide { } { Within 30 days of providing } { }~~
 ~~{ ←H } { -services, a } { H→ } {} {} { regulated } {} {} { ←H } { residential facility shall provide notice of~~
 ~~the facility's intent to begin operations to each property located within 300 feet of the location where~~
 ~~the { } { H→ } { } { } { regulated } { } { } { ←H } residential facility will be located by: }~~

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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 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 applying to the office;
73 [(f)] (vi) the name, telephone number, and address of a person that may be contacted to make inquiries about the residential treatment program; and
75 [(g)] (vii) any other information that the office may require by rule.
78 (b) The notice described in Subsection (6) shall include the following information relating to the regulated residential facility:
80 (i) the location where the regulated residential facility will be operated;
81 (ii) a description of the regulated residential facility's treatment focus; and
82 (iii) contact information, including a telephone number and an email address, for a representative of the regulated residential facility.
84 [(6)] (8) { The notice described in Subsection (6) shall include the following information relating to the
{ { H→ } { } { regulated } { } { ←H } { residential facility: }
78 { (i) } { the location where the } { H→ } { } { regulated } { } { ←H } { residential facility will be operated; }
79 { (ii) } { a description of the } { H→ } { } { regulated } { } { ←H } { residential facility's treatment focus;
and }
80 { (iii) } { contact information, including a telephone number and an email address, for a representative of
the } { H→ } { } { regulated } { } { ←H } { residential facility: }
82 [(6)] (8) } When submitting an application for a license to operate a residential treatment program, the applicant shall include with the application:
84 (a) a copy of the notice described in Subsection [(4)] (5); and
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- (b) proof that the applicant served the notice described in Subsection [~~(4)~~] (5) on the governing body described in Subsection [~~(4)~~] (5).

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Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

2-27-25 10:05 AM