

Recovery Residence Services Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jason B. Kyle

LONG TITLE**General Description:**

This bill addresses residential programs and services.

Highlighted Provisions:

This bill:

▸ modifies definitions to delineate residential recovery services from vocational programs and life skills programs; and

▸ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-53-102, as last amended by Laws of Utah 2023, Chapter 458

26B-2-101, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438

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

Section 1. Section **13-53-102** is amended to read:

13-53-102 . Definitions.

As used in this chapter:

- (1) "Division" means the Division of Consumer Protection.
- (2) "Human services program" means the same as that term is defined in Section 26B-2-101.
- (3) "Participant" means an individual who:
 - (a) resides at a residential, vocational and life skills program facility;
 - (b) receives from the residential, vocational and life skills program:
 - (i) vocational training; or
 - (ii) life skills training; and
 - (c) does not receive monetary compensation from the residential, vocational and life

32 skills program.

33 (4) "Postsecondary school" means the same as that term is defined in Section 13-34-101.

34 (5) "Residential[,] vocational [~~and~~] or life skills program" means a program that:

35 (a) is operated by a nonprofit corporation, as defined in Section 16-6a-102;

36 (b) does not accept local, state, or federal government funding, government grant
37 money, or any other form of government assistance to operate or provide services or
38 training;

39 (c) operates on a mutually voluntary basis with each participant;

40 (d) houses at a program facility in this state participants who are unrelated to an owner
41 or a manager of the program facility without charging money for lodging, food,
42 clothing, or training;

43 (e) may house transitional graduates for a fee;

44 [~~(f) provides vocational training to participants;~~]

45 [~~(g)~~] (f) provides vocational or life skills training to participants;

46 [~~(h)~~] (g) maintains a director or senior staff member at a program facility at all times
47 when the facility is in use;

48 [~~(i)~~] (h) does not provide mental health services;

49 [~~(j)~~] (i) does not provide substance use disorder treatment;

50 [~~(k)~~] (j) does not accept payment from an insurance provider for a participant;

51 [~~(l)~~] (k) does not award a degree, diploma, or other educational credential commensurate
52 with a degree or diploma;

53 [~~(m)~~] (l) does not hold itself out as a human services program; and

54 [~~(n)~~] (m) does not hold itself out as a postsecondary school.

55 (6) "Transitional graduate" means an individual who:

56 (a) graduated from a residential, vocational and life skills program;

57 (b) continues to reside at the residential, vocational and life skills program facility; and

58 (c) is employed by an entity not directly affiliated with the residential, vocational and
59 life skills program.

60 (7) "Vocational training entity" is a commercial entity where a participant receives
61 vocational training.

62 Section 2. Section **26B-2-101** is amended to read:

63 **26B-2-101 . Definitions.**

64 As used in this part:

65 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.

- 66 (2) "Adult day care" means nonresidential care and supervision:
67 (a) for three or more adults for at least four but less than 24 hours a day; and
68 (b) that meets the needs of functionally impaired adults through a comprehensive
69 program that provides a variety of health, social, recreational, and related support
70 services in a protective setting.
- 71 (3) "Applicant" means a person that applies for an initial license or a license renewal under
72 this part.
- 73 (4)(a) "Associated with the licensee" means that an individual is:
74 (i) affiliated with a licensee as an owner, director, member of the governing body,
75 employee, agent, provider of care, department contractor, or volunteer; or
76 (ii) applying to become affiliated with a licensee in a capacity described in
77 Subsection (4)(a)(i).
- 78 (b) "Associated with the licensee" does not include:
79 (i) service on the following bodies, unless that service includes direct access to a
80 child or a vulnerable adult:
81 (A) a local mental health authority described in Section 17-43-301;
82 (B) a local substance abuse authority described in Section 17-43-201; or
83 (C) a board of an organization operating under a contract to provide mental health
84 or substance use programs, or services for the local mental health authority or
85 substance abuse authority; or
86 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly
87 supervised at all times.
- 88 (5)(a) "Boarding school" means a private school that:
89 (i) uses a regionally accredited education program;
90 (ii) provides a residence to the school's students:
91 (A) for the purpose of enabling the school's students to attend classes at the
92 school; and
93 (B) as an ancillary service to educating the students at the school;
94 (iii) has the primary purpose of providing the school's students with an education, as
95 defined in Subsection (5)(b)(i); and
96 (iv)(A) does not provide the treatment or services described in Subsection (40)(a);
97 or
98 (B) provides the treatment or services described in Subsection (40)(a) on a limited
99 basis, as described in Subsection (5)(b)(ii).

- 100 (b)(i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
101 one or more grades from kindergarten through grade 12.
- 102 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment
103 or services described in Subsection (40)(a) on a limited basis if:
- 104 (A) the treatment or services described in Subsection (40)(a) are provided only as
105 an incidental service to a student; and
- 106 (B) the school does not:
- 107 (I) specifically solicit a student for the purpose of providing the treatment or
108 services described in Subsection (40)(a); or
- 109 (II) have a primary purpose of providing the treatment or services described in
110 Subsection (40)(a).
- 111 (c) "Boarding school" does not include a therapeutic school.
- 112 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 113 (7) "Child" means an individual under 18 years old.
- 114 (8) "Child placing" means receiving, accepting, or providing custody or care for any child,
115 temporarily or permanently, for the purpose of:
- 116 (a) finding a person to adopt the child;
- 117 (b) placing the child in a home for adoption; or
- 118 (c) foster home placement.
- 119 (9) "Child-placing agency" means a person that engages in child placing.
- 120 (10) "Client" means an individual who receives or has received services from a licensee.
- 121 (11)(a) "Congregate care program" means any of the following that provide services to a
122 child:
- 123 (i) an outdoor youth program;
- 124 (ii) a residential support program;
- 125 (iii) a residential treatment program; or
- 126 (iv) a therapeutic school.
- 127 (b) "Congregate care program" does not include a human services program that:
- 128 (i) is licensed to serve adults; and
- 129 (ii) is approved by the office to service a child for a limited time.
- 130 (12) "Day treatment" means specialized treatment that is provided to:
- 131 (a) a client less than 24 hours a day; and
- 132 (b) four or more persons who:
- 133 (i) are unrelated to the owner or provider; and

- 134 (ii) have emotional, psychological, developmental, physical, or behavioral
135 dysfunctions, impairments, or chemical dependencies.
- 136 (13) "Department contractor" means an individual who:
137 (a) provides services under a contract with the department; and
138 (b) due to the contract with the department, has or will likely have direct access to a
139 child or vulnerable adult.
- 140 (14) "Direct access" means that an individual has, or likely will have:
141 (a) contact with or access to a child or vulnerable adult that provides the individual with
142 an opportunity for personal communication or touch; or
143 (b) an opportunity to view medical, financial, or other confidential personal identifying
144 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 145 (15) "Directly supervised" means that an individual is being supervised under the
146 uninterrupted visual and auditory surveillance of another individual who has a current
147 background check approval issued by the office.
- 148 (16) "Director" means the director of the office.
- 149 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 150 (18) "Domestic violence treatment program" means a nonresidential program designed to
151 provide psychological treatment and educational services to perpetrators and victims of
152 domestic violence.
- 153 (19) "Elder adult" means a person 65 years old or older.
- 154 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from
155 being physically injured, utilized by an appropriately trained direct care staff and only
156 performed in accordance with a nationally or regionally recognized curriculum in the
157 least restrictive manner to restore staff or client safety.
- 158 (21) "Foster home" means a residence that is licensed or certified by the office for the
159 full-time substitute care of a child.
- 160 (22) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.
- 161 (23) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 162 (24) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.
- 163 (25)(a) "Human services program" means:
164 (i) a foster home;
165 (ii) a therapeutic school;
166 (iii) a youth program;
167 (iv) an outdoor youth program;

- 168 (v) a residential treatment program;
- 169 (vi) a residential support program;
- 170 (vii) a resource family home;
- 171 (viii) a recovery residence; or
- 172 (ix) a facility or program that provides:
- 173 (A) adult day care;
- 174 (B) day treatment;
- 175 (C) outpatient treatment;
- 176 (D) domestic violence treatment;
- 177 (E) child-placing services;
- 178 (F) social detoxification; or
- 179 (G) any other human services that are required by contract with the department to
- 180 be licensed with the department.
- 181 (b) "Human services program" does not include:
- 182 (i) a boarding school;
- 183 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102;
- 184 or
- 185 (iii) a short-term relief care provider.
- 186 (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 187 (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 188 (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 189 (29) "Intermediate secure treatment" means 24-hour specialized residential treatment or
- 190 care for an individual who:
- 191 (a) cannot live independently or in a less restrictive environment; and
- 192 (b) requires, without the individual's consent or control, the use of locked doors to care
- 193 for the individual.
- 194 (30) "Licensee" means an individual or a human services program licensed by the office.
- 195 (31) "Local government" means a city, town, or county.
- 196 (32) "Minor" means child.
- 197 (33) "Office" means the Office of Licensing within the department.
- 198 (34) "Outdoor youth program" means a program that provides:
- 199 (a) services to a child that has:
- 200 (i) a chemical dependency; or
- 201 (ii) a dysfunction or impairment that is emotional, psychological, developmental,

- 202 physical, or behavioral;
- 203 (b) a 24-hour outdoor group living environment; and
- 204 (c)(i) regular therapy, including group, individual, or supportive family therapy; or
- 205 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 206 therapy, or outdoor behavioral healthcare.
- 207 (35) "Outpatient treatment" means individual, family, or group therapy or counseling
- 208 designed to improve and enhance social or psychological functioning for those whose
- 209 physical and emotional status allows them to continue functioning in their usual living
- 210 environment.
- 211 (36) "Practice group" or "group practice" means two or more health care providers legally
- 212 organized as a partnership, professional corporation, or similar association, for which:
- 213 (a) substantially all of the services of the health care providers who are members of the
- 214 group are provided through the group and are billed in the name of the group and
- 215 amounts received are treated as receipts of the group; and
- 216 (b) the overhead expenses of and the income from the practice are distributed in
- 217 accordance with methods previously determined by members of the group.
- 218 (37) "Private-placement child" means a child whose parent or guardian enters into a
- 219 contract with a congregate care program for the child to receive services.
- 220 (38)(a) "Recovery residence" means a home, residence, or facility that meets at least two
- 221 of the following requirements:
- 222 (i) provides a supervised living environment for individuals recovering from a
- 223 substance use disorder;
- 224 (ii) provides a living environment in which more than half of the individuals in the
- 225 residence are recovering from a substance use disorder;
- 226 (iii) provides or arranges for residents to receive services related to the resident's
- 227 recovery from a substance use disorder, either on or off site;
- 228 (iv) is held out as a living environment in which individuals recovering from
- 229 substance abuse disorders live together to encourage continued sobriety; or
- 230 (v)(A) receives public funding; or
- 231 (B) is run as a business venture, either for-profit or not-for-profit.
- 232 (b) "Recovery residence" does not mean:
- 233 (i) a residential treatment program;
- 234 (ii) residential support program;
- 235 (iii) a residential vocational or life skills program; or

- 236 [~~(iii)~~] (iv) a home, residence, or facility, in which:
- 237 (A) residents, by a majority vote of the residents, establish, implement, and
- 238 enforce policies governing the living environment, including the manner in
- 239 which applications for residence are approved and the manner in which
- 240 residents are expelled;
- 241 (B) residents equitably share rent and housing-related expenses; and
- 242 (C) a landlord, owner, or operator does not receive compensation, other than fair
- 243 market rental income, for establishing, implementing, or enforcing policies
- 244 governing the living environment.
- 245 (39) "Regular business hours" means:
- 246 (a) the hours during which services of any kind are provided to a client; or
- 247 (b) the hours during which a client is present at the facility of a licensee.
- 248 (40)(a) "Residential support program" means a program that arranges for or provides the
- 249 necessities of life as a protective service to individuals or families who have a
- 250 disability or who are experiencing a dislocation or emergency that prevents them
- 251 from providing these services for themselves or their families.
- 252 (b) "Residential support program" includes a program that provides a supervised living
- 253 environment for individuals with dysfunctions or impairments that are:
- 254 (i) emotional;
- 255 (ii) psychological;
- 256 (iii) developmental; or
- 257 (iv) behavioral.
- 258 (c) Treatment is not a necessary component of a residential support program.
- 259 (d) "Residential support program" does not include:
- 260 (i) a recovery residence; or
- 261 (ii) a program that provides residential services that are performed:
- 262 (A) exclusively under contract with the department and provided to individuals
- 263 through the Division of Services for People with Disabilities; or
- 264 (B) in a facility that serves fewer than four individuals.
- 265 (41)(a) "Residential treatment" means a 24-hour group living environment for four or
- 266 more individuals unrelated to the owner or provider that offers room or board and
- 267 specialized treatment, behavior modification, rehabilitation, discipline, emotional
- 268 growth, or habilitation services for persons with emotional, psychological,
- 269 developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

- 270 (b) "Residential treatment" does not include a:
- 271 (i) boarding school;
- 272 (ii) foster home; or
- 273 (iii) recovery residence.
- 274 (42) "Residential treatment program" means a program or facility that provides:
- 275 (a) residential treatment; or
- 276 (b) intermediate secure treatment.
- 277 (43) "Seclusion" means the involuntary confinement of an individual in a room or an area:
- 278 (a) away from the individual's peers; and
- 279 (b) in a manner that physically prevents the individual from leaving the room or area.
- 280 (44) "Short-term relief care provider" means an individual who:
- 281 (a) provides short-term and temporary relief care to a foster parent:
- 282 (i) for less than six consecutive nights; and
- 283 (ii) in the short-term relief care provider's home;
- 284 (b) is an immediate family member or relative, as those terms are defined in Section
- 285 80-3-102, of the foster parent;
- 286 (c) is direct access qualified, as that term is defined in Section 26B-2-120;
- 287 (d) has been approved to provide short-term relief care by the department;
- 288 (e) is not reimbursed by the department for the temporary relief care provided; and
- 289 (f) is not an immediate family member or relative, as those terms are defined in Section
- 290 80-3-102, of the foster child.
- 291 (45) "Social detoxification" means short-term residential services for persons who are
- 292 experiencing or have recently experienced drug or alcohol intoxication, that are provided
- 293 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
- 294 Inspection, and that include:
- 295 (a) room and board for persons who are unrelated to the owner or manager of the facility;
- 296 (b) specialized rehabilitation to acquire sobriety; and
- 297 (c) aftercare services.
- 298 (46) "Substance abuse disorder" or "substance use disorder" mean the same as "substance
- 299 use disorder" is defined in Section 26B-5-501.
- 300 (47) "Substance abuse treatment program" or "substance use disorder treatment program"
- 301 means a program:
- 302 (a) designed to provide:
- 303 (i) specialized drug or alcohol treatment;

- 304 (ii) rehabilitation; or
305 (iii) habilitation services; and
306 (b) that provides the treatment or services described in Subsection (47)(a) to persons
307 with:
308 (i) a diagnosed substance use disorder; or
309 (ii) chemical dependency disorder.
- 310 (48) "Therapeutic school" means a residential group living facility:
311 (a) for four or more individuals that are not related to:
312 (i) the owner of the facility; or
313 (ii) the primary service provider of the facility;
314 (b) that serves students who have a history of failing to function:
315 (i) at home;
316 (ii) in a public school; or
317 (iii) in a nonresidential private school; and
318 (c) that offers:
319 (i) room and board; and
320 (ii) an academic education integrated with:
321 (A) specialized structure and supervision; or
322 (B) services or treatment related to:
323 (I) a disability;
324 (II) emotional development;
325 (III) behavioral development;
326 (IV) familial development; or
327 (V) social development.
- 328 (49) "Unrelated persons" means persons other than parents, legal guardians, grandparents,
329 brothers, sisters, uncles, or aunts.
- 330 (50) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent
331 mental or physical impairment that substantially affects the person's ability to:
332 (a) provide personal protection;
333 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
334 (c) obtain services necessary for health, safety, or welfare;
335 (d) carry out the activities of daily living;
336 (e) manage the adult's own resources; or
337 (f) comprehend the nature and consequences of remaining in a situation of abuse,

338 neglect, or exploitation.

339 (51)(a) "Youth program" means a program designed to provide behavioral, substance
340 use, or mental health services to minors that:

341 (i) serves adjudicated or nonadjudicated youth;

342 (ii) charges a fee for the program's services;

343 (iii) may provide host homes or other arrangements for overnight accommodation of
344 the youth;

345 (iv) may provide all or part of the program's services in the outdoors;

346 (v) may limit or censor access to parents or guardians; and

347 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
348 minor's own free will.

349 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl
350 Scouts, 4-H, and other such organizations.

351 (52)(a) "Youth transportation company" means any person that transports a child for
352 payment to or from a congregate care program in Utah.

353 (b) "Youth transportation company" does not include:

354 (i) a relative of the child;

355 (ii) a state agency; or

356 (iii) a congregate care program's employee who transports the child from the
357 congregate care program that employs the employee and returns the child to the
358 same congregate care program.

359 **Section 3. Effective Date.**

360 This bill takes effect on May 7, 2025.