

HB0485

~~{Omitted text}~~ shows text that was in HB0485 but was omitted in HB0485S02

inserted text shows text that was not in HB0485 but was inserted into HB0485S02

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Residential Notification Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jake Fitisemanu

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires regulated 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

AMENDS:

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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{, "residential facility" means} :

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

~~{(a)}~~ (i) ~~{a}~~ residential treatment program;

~~{(b)}~~ (ii) ~~{a}~~ residential support program;

~~{(c)}~~ (iii) ~~{a}~~ recovery residence; or

~~{(d)}~~ (iv) ~~{a}~~ facility that provides social detoxification services.

~~{(1)}~~ (2)

~~{(a)}~~ "Regulated residential facility" does not include a congregate care program.

~~[(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.

~~[(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:

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

(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.

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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.

60 (6) ~~{ At least }~~ Within 30 days ~~{ before beginning to provide }~~ 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:

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.

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- 76 (b) The notice described in Subsection ~~{(5)}~~ (6) shall include the following information relating to the
77 regulated residential facility:
- 78 (i) the location where the regulated residential facility will be operated;
- 79 (ii) a description of the regulated residential facility's treatment focus;and
- 80 (iii) ~~{the date the}~~ contact information, including a telephone number and an email address, for a
81 representative of the regulated residential facility ~~{intends to begin operations; and}~~ .
- 82 ~~[(6)] (8) {the name and contact information of a designated representative for the residential facility~~
83 ~~who shall respond to inquiries or concerns from neighboring residents regarding the residential~~
84 ~~facility.}~~
- 85 ~~{[(6)] (8)}~~ When submitting an application for a license to operate a residential treatment program, the
86 applicant shall include with the application:
- 87 (a) a copy of the notice described in Subsection ~~[(4)]~~ (5); and
- 88 (b) proof that the applicant served the notice described in Subsection ~~[(4)]~~ (5) on the governing body
89 described in Subsection ~~[(4)]~~ (5).

Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

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