

SENATE BILL NO. 312

INTRODUCED BY D. SANDS

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE LICENSING EXEMPTION FOR PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAMS OPERATED AS AN ADJUNCT OF A MONTANA-BASED MINISTRY; AMENDING SECTION 52-2-802, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 52-2-802, MCA, is amended to read:

"52-2-802. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Direct access" means that an individual has or likely will have person-to-person spoken or physical contact with or access to a program participant.

(3) "License" means a written document issued by the department that the license holder has complied with this part and the applicable standards and rules for programs.

(4) "Licensee" means the holder of a license issued by the department in accordance with the provisions of this part.

(5) "Person associated with the program" means any owner, partner, member, employee, or contractor providing professional or occupational services to a program.

(6) (a) "Program" means a private alternative adolescent residential or outdoor program that provides a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or learning problems and who have a history of failing in academic, social, moral, or emotional development at home or in less-structured traditional settings.

(b) The term does not include:

(i) any program that is otherwise required to be licensed or regulated by the state under Title 50, 52,

or 53, except that a program that holds itself out as providing primary, inpatient chemical dependency treatment must ensure that the treatment program is provided by a public or private chemical treatment facility approved by the department under 53-24-208.

(ii) recreational programs such as boy scouts, girl scouts, or 4-H clubs;

(iii) organizations, boarding schools, or residential schools with a sole focus on academics;

(iv) residential training or vocational programs with a sole focus on education and vocational training;

or

(v) youth camps with a focus on recreation and faith-related activities;~~or~~

~~(vi) an organization, boarding school, or residential school that is an adjunct ministry of a church incorporated in the state of Montana.~~

(7) "Program participant" means any adolescent to whom services are being provided by the program."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. Applicability. [This act] applies to programs applying for licensure or license renewal on or after [the effective date of this act].

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