

HOUSE BILL NO. 394

INTRODUCED BY E. HILL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE EXEMPTION FROM LICENSURE FOR
5 PROGRAMS THAT ARE AN ADJUNCT MINISTRY OF A CHURCH INCORPORATED IN MONTANA;
6 AMENDING SECTION 37-48-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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10 **Section 1.** Section 37-48-102, MCA, is amended to read:
11 **"37-48-102. Definitions.** As used in this part, the following definitions apply:
12 (1) "Board" means the board of private alternative adolescent residential or outdoor programs provided
13 for in 2-15-1745.
14 (2) "Department" means the department of labor and industry provided for in 2-15-1701.
15 (3) "Direct access" means that an individual has or will likely have person-to-person spoken contact or
16 physical contact with or access to the program participant.
17 (4) "Manager" means an individual who has or will likely have person-to-person spoken contact or
18 physical contact with or access to the program participant.
19 (5) "Plan of operation" means the operational structures and parameters describing the program as
20 identified in 37-48-103 and as required by the board by rule.
21 (6) (a) "Program" means a private alternative adolescent residential or outdoor program that provides
22 a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or
23 learning problems and who have a history of failing in academic, social, moral, or emotional development at home
24 or in less-structured traditional settings.
25 (b) The term does not include:
26 (i) any program that is required to be licensed or regulated by the state under Title 50, 52, or 53;
27 (ii) recreational programs such as boy scouts, girl scouts, or 4-H clubs;
28 (iii) organizations, boarding schools, or residential schools with a sole focus on academics;
29 (iv) residential training or vocational programs with a sole focus on education and vocational training; or
30 (v) youth camps with a focus on recreation and faith-related activities; ~~or~~

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

3 (7) "Program participant" means an adolescent enrolled in or participating in a program, other than an
4 adolescent serving as an employee of the program.

5 (8) "Worker affiliated with the program" means any owner, partner, member, employee, or contractor
6 providing professional or occupational services to a program."

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

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