

HOUSE BILL NO. 477

INTRODUCED BY E. HILL SMITH

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE EXEMPTION FROM LICENSURE AS A PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL OR OUTDOOR PROGRAM FOR AN ORGANIZATION OR SCHOOL THAT IS AN ADJUNCT MINISTRY OF A CHURCH INCORPORATED IN MONTANA; AND AMENDING SECTION 37-48-102, MCA."

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

**Section 1.** Section 37-48-102, MCA, is amended to read:

**"37-48-102. Definitions.** As used in this part, the following definitions apply:

(1) "Board" means the board of private alternative adolescent residential or outdoor programs provided for in 2-15-1745.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

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

(4) "Manager" means an individual who has or will likely have person-to-person spoken contact or physical contact with or access to the program participant.

(5) "Plan of operation" means the operational structures and parameters describing the program as identified in 37-48-103 and as required by the board by rule.

(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 required to be licensed or regulated by the state under Title 50, 52, or 53;
- (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

1 (v) youth camps with a focus on recreation and faith-related activities; ~~or~~  
2  ~~(vi) an organization, boarding school, or residential school that is an adjunct ministry of a church~~  
3  ~~incorporated in the state of Montana.~~

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

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

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