

1 HB440
2 186482-2
3 By Representatives McMillan, Faust, Shiver, Moore (B),
4 Beckman, Gaston, Bracy, Jackson, Clarke and Drummond
5 RFD: Children and Senior Advocacy
6 First Read: 04-APR-17

1 Section 1. This act shall be known and may be cited
2 as the Alabama Youth Residential Facility Abuse Prevention
3 Act.

4 Section 2. The Legislature finds that there is a
5 substantial need to protect children and youth from abuse and
6 neglect by persons entrusted with their physical custody, and
7 from persons or organizations that advertise, hold themselves
8 out, or lead others to believe that they will provide them
9 with health, therapeutic, rehabilitative, or disciplinary
10 services, and from persons employed or exercising authority
11 over them, and who they depend upon to provide the basic
12 necessities of life. The Legislature further finds that abuse
13 and neglect often take the form of the withholding of the
14 basic necessities of life, including food, water, shelter,
15 clothing, and health care through an affirmative act or
16 omission. It is the intent of the Legislature to implement a
17 baseline of registration and regulation requirements for
18 religious, faith-based, or church nonprofit, other nonprofit,
19 and for profit affiliated youth residential facilities and
20 institutions that have previously been exempt, and that
21 criminal penalties be imposed on any individual guilty of the
22 abuse or neglect of a child through an act or omission in
23 association with services provided by such an institution. The
24 Legislature further finds and declares the following:

25 (1) For several years, religious, faith-based, and
26 church nonprofit, other nonprofit, and for profit residential
27 affiliated facilities, institutions, and programs intended to

1 be a less restrictive option for treatment of children and
2 youth with substantial behavioral issues have been established
3 nationwide, with numerous allegations of abuse and neglect,
4 some resulting in death.

5 (2) There are currently religious, faith-based, or
6 church nonprofit, other nonprofit, and for profit affiliated
7 youth residential facilities, institutions, and programs
8 operating in Alabama that are exempt from registration and
9 regulation by the State Department of Human Resources.

10 (3) These facilities, institutions, and programs are
11 owned and operated by for profit, or nonprofit organizations
12 defined in Section 501(c)(3) of the Internal Revenue Code.

13 (4) These facilities, institutions, and programs
14 advertise, both in state and out of state, that they provide
15 services for youth with behavioral or other issues to
16 individuals who may feel they have no other option.

17 (5) Victims of abuse and neglect of these
18 organizations nationwide have formed organizations to expose
19 the trauma, abuse, and neglect they experienced while
20 residents at or in these institutions, facilities, and
21 programs.

22 (6) Students and youth subject to enrollment or
23 attendance of these facilities have experienced a host of
24 other problems associated with the trauma, abuse, and neglect
25 experienced at these institutions, facilities, and programs.

26 (7) There is a lack of accountability regarding the
27 existence and status of children that are enrolled in or

1 housed at these institutions and facilities being residents of
2 both this state and other states.

3 (8) The states reserve the power to establish and
4 enforce laws protecting the welfare, safety, and health of the
5 public.

6 (9) It is the duty of the Legislature to ensure
7 proper licensing and regulation of residential facilities for
8 the protection and care of all citizens.

9 (10) It is the intent of the Legislature that the
10 state require registration of religious, faith-based, or
11 church nonprofit, other nonprofit, and for profit residential
12 institutions, alternative boarding schools, and outdoor
13 programs that house or contain children or youth for a period
14 over 24 hours to provide counseling, therapeutic,
15 disciplinary, or educational services when long-term on site
16 residency of children is required.

17 Section 3. For the purposes of this act, the
18 following terms shall have the following meanings:

19 (1) CHILD. A person under the age of 18 years.

20 (2) COMMUNITY TREATMENT FACILITY FOR YOUTHS. A
21 religious, faith-based, or church nonprofit, other nonprofit,
22 or for profit youth residential facility that provides mental
23 health treatment services to children in a group setting and
24 that has the capacity to provide secure containment.

25 (3) DEPARTMENT. The State Department of Human
26 Resources.

1 (4) DIRECTOR. The Director of the State Department
2 of Human Resources.

3 (5) LONG TERM YOUTH RESIDENTIAL FACILITY. A
4 religious, faith-based, or church nonprofit, other nonprofit,
5 or for profit long term residential facility, group care
6 facility, or similar facility as determined by the director,
7 providing 24-hour nonmedical care of youth in need of personal
8 services, supervision, or assistance essential for sustaining
9 the activities of daily living or for the protection of the
10 child and others and that has the capacity to provide secure
11 containment.

12 (6) PRIVATE ALTERNATIVE BOARDING SCHOOL. A
13 religious, faith-based, or church nonprofit, other nonprofit,
14 or for profit group home that provides children with 24-hour
15 residential care and supervision, which, in addition to
16 providing educational services, provides, or holds itself out
17 as providing, behavioral-based services to youth with social,
18 emotional, or behavioral issues and that has the capacity to
19 provide secure containment.

20 (7) PRIVATE ALTERNATIVE OUTDOOR PROGRAM. A
21 religious, faith-based, or church nonprofit, other nonprofit,
22 or for profit group home or residential facility that provides
23 children with 24-hour residential care and supervision, which
24 provides, or holds itself out as providing, behavioral-based
25 services in an outdoor living setting to children with social
26 or behavioral issues and that has the capacity to provide

1 secure containment or prohibits children from freely leaving
2 the area of operations for the program.

3 (8) RESTRICTIVE BEHAVIOR PRACTICES. Any
4 institutional practice or procedure that involves assisting a
5 child in gaining control of his or her behavior, protects a
6 child from self-harm, protects other children or staff
7 members, or prevents the destruction of property.

8 (9) YOUTH SOCIAL REHABILITATION FACILITY. A
9 religious, faith-based, or church nonprofit, other nonprofit,
10 or for profit residential facility that provides 24-hour
11 nonmedical social rehabilitation services in a group setting
12 to children recovering from mental illness or substance abuse
13 who are in need of temporary assistance, guidance, or
14 counseling and that has the capacity to provide secure
15 containment.

16 (10) YOUTH TRANSITIONAL CARE FACILITY. A religious,
17 faith-based, or church nonprofit, other nonprofit, or for
18 profit group care facility that provides 24-hour nonmedical
19 care of children in need of professional services,
20 supervision, or assistance essential for sustaining the
21 activities of daily living or for the protection of the
22 individual or others and that have the capacity to provide
23 secure containment.

24 Section 4. (a) Commencing on January 1, 2018, the
25 department shall register any religious, faith-based, or
26 church nonprofit, other nonprofit, or for profit affiliated
27 youth residential facility, youth social rehabilitation

1 facility, community treatment facility for youths, youth
2 transitional care facility, long term youth residential
3 facility, private alternative boarding school, private
4 alternative outdoor program, and any organization entrusted
5 with the residential care of children in any organizational
6 form or combination defined by this section, whenever children
7 are housed at the facility or location of the program for a
8 period of more than 24 hours. At a minimum, registered youth
9 residential institution or organization under this section
10 shall do all of the following:

11 (1) Be owned and operated on a for profit or
12 nonprofit basis.

13 (2) Prepare and maintain a current, written plan of
14 operation, as defined by the department.

15 (3) Offer 24-hour, nonmedical care and supervision
16 to youth who are voluntarily admitted by a parent or legal
17 guardian, or referred by a court.

18 (4) Admit only children 12 years of age or older.

19 (5) Provide written notification on a standard form
20 to the department or local county Department of Human
21 Resources office where the facility is located within 48 hours
22 of the arrival, enrollment, or admittance of any child to the
23 institution, facility, or program as directed by the
24 department.

25 (6) Have a ratio of one staff person to every four
26 youths.

1 (7) Provide each prospective youth and his or her
2 parent or legal guardian with an accurate written description
3 of the programs and services to be provided while the child is
4 a resident at the facility. If it advertises or promotes
5 special care, programs, or environments for persons with
6 behavioral, emotional, substance abuse, or social challenges,
7 the written description shall include how its programs and
8 services are intended to achieve the advertised or promoted
9 claims.

10 (8) Ensure that all individuals providing mental
11 health or behavioral-based services to youth at the facility
12 are licensed or certified by the appropriate agency,
13 department, or accrediting body, as specified by the
14 department through agency rules.

15 (9) Prepare and implement a comprehensive health
16 plan to ensure that each medical, dental, mental health, and
17 other health needs of the child are met adequately and
18 promptly.

19 (10) Explain its disciplinary practices individually
20 with each child at the time the child is placed or enrolled in
21 the institution, facility, or program.

22 (11) Obtain written consent for the use of any
23 restrictive behavior management practice from the parents or
24 legal guardian of the child.

25 (12) Not use secure containment or manual or
26 mechanical restraints.

1 (13) Not allow the performance of any acts, tactics,
2 techniques, or procedures for purposes of abusing,
3 humiliating, degrading, isolating, or ostracizing a child from
4 other children located or housed at the institution, facility,
5 or program by any staff member or child.

6 (14) Not utilize restrictive behavior management
7 practices as a means of punishment, for the convenience of
8 staff members, or as a substitute for a treatment program.

9 (15) Ensure that each child is provided with three
10 nutritious meals daily, either at the institution, facility,
11 program operations site itself, or in the community.

12 (16) Select, store, prepare, and serve food in a
13 sanitary and palatable manner.

14 (17) Ensure that every child is afforded the
15 opportunity to participate freely in religious activities and
16 or services in accordance with his or her own faith or with
17 that of his or her parents.

18 (18) Maintain a bond or liability insurance of no
19 less than five hundred thousand dollars (\$500,000) per
20 incident and show proof of the current status of the policy or
21 bond prior to registration by the department.

22 (19) Include its facility, institution, or program
23 registration number in all advertisements.

24 (20) Require that all employees of the facility or
25 program undergo a child abuse and neglect clearance and a
26 criminal background check prior to the approval of the
27 registration of the facility or program and require that all

1 employees obtain a criminal background check and child abuse
2 and neglect clearance annually thereafter.

3 (21) Ensure that prior to employment, residence, or
4 initial presence in the facility, institution, or with the
5 program, all employees undergo a criminal background check.

6 (22) Maintain a smoke free environment in all
7 buildings on the facility, institution, or program premises
8 and in all vehicles used to transport children.

9 (23) Obtain a fire safety clearance approved by the
10 local fire authority.

11 (24) If it offers access to, or holds itself out as
12 offering access to, mental health services, ensure that those
13 services are provided by a licensed mental health provider.

14 (25) If it advertises or includes in its marketing
15 materials reference to providing alcohol or substance abuse
16 treatment, ensure that the treatment is provided by a licensed
17 or certified alcoholism or drug abuse recovery or treatment
18 facility.

19 (26) Not admit a child who has been assessed by a
20 licensed mental health professional as seriously emotionally
21 disturbed, unless the child does not require care in a
22 licensed health facility and the State Department of Mental
23 Health has certified that the facility houses a program that
24 meets the standards to provide mental health treatment
25 services for a child having a serious emotional disturbance,
26 as defined in Rule 290-8-9 of the Alabama Administrative Code.

1 (27) Immediately provide a written report on a
2 standard form to the department and law enforcement agency of
3 all fatalities and accidents requiring hospitalization or
4 medical care by a physician occurring at the facility,
5 institution, or program.

6 (28) Prohibit any staff member or child to possess
7 any firearms, harmful chemicals, or other weapons within or on
8 the grounds of the institution, facility, or program.

9 (b) Submit a staff training plan to the department
10 as part of its plan of operation. In addition to the training
11 required of facility, institutional, or program staff, the
12 staff training plan shall include, but not be limited to,
13 training in all of the following subject areas:

14 (1) Children's rights, as described in subsection
15 (c).

16 (2) Physical and psycho-social needs of youth.

17 (3) Appropriate responses to emergencies, including
18 an emergency intervention plan.

19 (4) Laws and regulations pertaining to residential
20 care and housing facilities for children.

21 (c) (1) Any child that is enrolled in or a resident
22 of a religious, faith-based, or church nonprofit, other
23 nonprofit, or for profit affiliated youth residential
24 facility, youth social rehabilitation facility, community
25 treatment facility for youths, youth transitional care
26 facility, long term youth residential facility, private
27 alternative boarding school, private alternative outdoor

1 program, and any organization entrusted with the residential
2 care of children in any organizational form or combination
3 defined by this section shall be afforded the following rights
4 and any other rights adopted by the department through rule,
5 which shall be publicly posted and accessible to youth:

6 a. To be afforded dignity in his or her personal
7 relationships with staff, youth, and other persons.

8 b. To live in a safe, healthy, and comfortable
9 environment where he or she is treated with respect.

10 c. To be free from physical, sexual, emotional, or
11 other abuse or corporal punishment.

12 d. To be granted a reasonable level of personal
13 privacy in accommodations, personal care and assistance, and
14 visits.

15 e. To confidential care of his or her records and
16 personal information, and to approve release of those records
17 prior to the release of them, except as otherwise authorized
18 or required by law.

19 f. To care, supervision, and services that meet his
20 or her individual needs and that are delivered by staff who
21 are sufficient in numbers, qualifications, and competency to
22 meet his or her needs and ensure his or her safety.

23 g. To be served food and beverages of the quality
24 and in the quantity necessary to meet his or her nutritional
25 and physical needs.

26 h.1. To present grievances and recommend changes in
27 policies, procedures, and services to the facility's staff,

1 management, and governing authority, or any other person
2 without the possibility of restraint, coercion,
3 discrimination, reprisal, threat, or other retaliatory
4 actions.

5 2. To have the registered entity take prompt actions
6 to respond to grievances presented pursuant to subparagraph 1.

7 i. To be able to contact parents or legal guardians,
8 including visits and scheduled and unscheduled private
9 telephone conversations, written correspondence, and
10 electronic communications, unless prohibited by court order.

11 j. To be fully informed, as evidenced by the youth's
12 written acknowledgment, prior to, or at the time of, arrival
13 or admission to the facility, institution, or program, of the
14 rules governing the youth's rights, conduct, and
15 responsibilities.

16 k. To receive in the admission agreement information
17 that details the planned programs and services for the youth.

18 l. To have his or her parents or legal guardians
19 remove him or her from the facility at any time unless
20 prevented from doing so by a court order.

21 m. To consent to have visitors or telephone calls
22 during reasonable hours, privately and without prior notice,
23 if the visitors or telephone calls do not disrupt planned
24 activities and are not prohibited by court order or by the
25 youth's parent or legal guardian.

26 n. To be free of corporal punishment, excessive
27 medication, physical restraints of any kind, and deprivation

1 of basic necessities, unnecessary seclusion including
2 education, as a punishment, deterrent, or incentive.

3 o. To be afforded the opportunity to enroll in, make
4 progress toward, and complete a program leading to a General
5 Education Development Certificate or other high school diploma
6 equivalent upon being housed or located at the facility,
7 institution, or program for a period of more than 30 days.

8 p. To have fair and equal access to all available
9 services, placement, care, treatment, and benefits and to not
10 be subjected to discrimination or harassment on the basis of
11 actual or perceived race, ethnic group identification,
12 ancestry, national origin, color, religion, sex, mental or
13 physical disability, or physical condition.

14 q. To be free from abusive, humiliating, degrading,
15 or traumatizing actions.

16 r. To be free to attend religious services of their
17 choice.

18 s. Any other rights the department adopts by rule;
19 however, the department is not responsible or liable for
20 violation of the above rights, including acts or omissions by
21 facility employees.

22 (2) This section shall not apply to any facility
23 administered, operated, licensed, or certified by the State
24 Department of Education, Department of Corrections, Department
25 of Youth Services, the Military Department, state recognized
26 military academies, institutes, or boot camps, the Alabama
27 School of Mathematics and Science, Alabama School of Fine

1 Arts, any state school for the deaf or blind, or any other
2 governmental entity or to a school that does not require
3 residency as requirement for services provided. This section
4 further shall not apply to outdoor activities for youth
5 designed to be primarily recreational or for entertainment,
6 including, but not limited to, any camp inspected and
7 permitted by the Alabama Department of Public Health,
8 activities organized by Boy Scouts, Girl Scouts, Camp Fire, or
9 other similar church sponsored organizations, or any camp
10 exclusively serving children with a medical diagnosis for a
11 physical condition or illness, or any runaway or homeless
12 shelter, or any similar place that supplies room and or board
13 only, provided that the resident is free to leave that
14 facility by his or her own volition at any time.

15 (3) The Department of Public Health shall regularly
16 license and inspect the food preparation areas of the
17 facilities under this statute for health and safety purposes.

18 (4) Law enforcement agencies shall have access to
19 the private property of the facilities under this statute in
20 furtherance of their duties to investigate abuse or neglect,
21 or for any other lawful purpose.

22 Section 5. (a) Any employee, volunteer, or applicant
23 for employment or for a volunteer position at or with any
24 religious, faith-based, or church nonprofit, other nonprofit,
25 or for profit affiliated youth residential facility, youth
26 social rehabilitation facility, community treatment facility
27 for youths, youth transitional care facility, long term youth

1 residential facility, private alternative boarding school,
2 private alternative outdoor program, and any organization
3 entrusted with the residential care of children or youth in
4 any organizational form or combination thereof defined by this
5 section, or as defined by the department, shall be subject to
6 a criminal background investigation prior to having
7 unsupervised contact with the children in accordance with
8 subdivision (1) of subsection (a) of Section 38-13-3, Code of
9 Alabama 1975.

10 Section 6. (a) (1) The department may charge a fee
11 for the registration. The fee may be set by rule of the
12 department and may be based on the type of facility and the
13 capacity of the facility. After the initial registration
14 approval, the department may charge a renewal fee annually on
15 each anniversary of the effective date of the registration.
16 The fees are for the purpose of administering the registration
17 program and enforcing the requirements specified in this act
18 and shall be set accordingly.

19 (2) The department, at least every five years, shall
20 analyze initial application fees and annual fees issued by it
21 to ensure the appropriate fee amounts are charged.

22 (b) In addition to fees established by the
23 department, the department shall also charge the following
24 fees:

25 (1) A fee in the amount of 50 percent of the
26 established application fee when an existing registered entity
27 moves a facility to a new physical address.

1 (2) A fee in the amount of 50 percent of the
2 established application fee when a corporate registered entity
3 changes the person having the authority to select a majority
4 of the board of directors.

5 (3) A fee in the amount of fifty dollars (\$50) when
6 an existing registered entity seeks to either increase or
7 decrease the approved capacity of the facility.

8 (4) An orientation fee of fifty dollars (\$50) for
9 attendance by any individual at a department-sponsored
10 information or orientation session.

11 (5) A probation monitoring fee equal to the current
12 annual fee, in addition to the current annual fee for that
13 category and capacity for each year a registered entity has
14 been placed on probation as a result of an adjudication
15 pursuant to the Administrative Procedure Act, Chapter 22,
16 Title 41, Code of Alabama 1975.

17 (6) A late fee that represents an additional 50
18 percent of the established current annual fee when any
19 registered entity fails to pay the current annual registration
20 fee on or before the due date as indicated by postmark on the
21 payment.

22 (7) A fee to cover any costs incurred by the
23 department for processing payments including, but not limited
24 to, insufficient funds charges, charges for credit and debit
25 transactions, and postage due charges.

26 (8) A plan of correction fee of at least two hundred
27 dollars (\$200) when any registered entity does not implement a

1 plan of correction on or prior to the date specified by a
2 corrective action plan issued to it by the department.

3 (9) Additional fees established by the department by
4 rule as necessary to regulate registered entities for
5 institutions and organizations subject to this act.

6 (c) The revenues collected from registration fees
7 pursuant to this section shall be utilized by the department
8 for the purpose of ensuring the health and safety of all
9 individuals provided care and supervision by entities
10 registered under this act and to support operations of the
11 registration program, including, but not limited to,
12 monitoring facilities for compliance with registration laws
13 and rules, and other administrative activities in support of
14 the registration program. The revenues collected shall be used
15 in addition to any other funds appropriated in the budget act
16 in support of the registration program. The department shall
17 adjust the fees collected pursuant to this section as
18 necessary.

19 (d) The failure of an applicant or registrant to pay
20 all applicable and accrued fees and civil penalties shall
21 constitute grounds for denial or forfeiture of registration
22 approval.

23 (e) Any fee or charge collected or any rule or
24 standard implemented by the department pursuant to this act
25 shall comply with the Alabama Administrative Procedure Act.

26 Section 7. (a) All youth residential facilities and
27 organizations under this section shall be subject to a

1 quarterly inspection by the department or its designee at a
2 minimum and shall be responsible for providing necessary
3 information as determined by the department to ensure the
4 safety and welfare of residents. All youth residential
5 facilities and organizations under this act shall provide at a
6 minimum the following to the department upon request:

7 (1) The names of all children currently enrolled,
8 registered, or housed at the facility or program.

9 (2) The names of all personnel currently employed or
10 contracted for employment for or at the facility, institution,
11 or program.

12 (3) The plan of operation, all written policies,
13 procedures, and standard practices.

14 (4) The child-to-staff ratios.

15 (5) The staff qualifications and proof of training.

16 (6) Proof of the implementation of childrens' needs
17 and services plan.

18 (7) A written fire evacuation and natural disaster
19 plan and maintain a record of routine drills of the plan.

20 (8) Proof of liability insurance with coverage of no
21 less than the amount specified in subsection 3(a) of this act.

22 (9) Proof of immunization against disease of all
23 children housed or contained at the facility or in the program
24 with proof of exemption of a child due to parental beliefs,
25 which exemption shall be permitted.

26 (b) All youth residential facilities and
27 organizations under this section shall inform the parents or

1 authorized guardian or adult representative of the child of
2 their rights including the following at a minimum:

3 (1) To enter and inspect the facility, institution,
4 or program as determined by law.

5 (2) To file a complaint against the registered
6 entity with the department without discrimination against the
7 parent or the child housed by or located at the facility or
8 program.

9 (3) To view the child's records associated with the
10 facility, institution, or program including treatment,
11 disciplinary, and other actions the department determines to
12 be vital to his or her situational awareness as a parent or
13 guardian.

14 (4) To review the registered entity's public file at
15 the appropriate department online site or physical location.

16 (5) To view the prominently displayed list of child
17 or youth rights associated with this act or those enumerated
18 per department rules.

19 (6) To view copies of any report that documents any
20 finding of noncompliance by the department.

21 (7) To view copies of any documentation issued to
22 the registered entity documenting the department's intent to
23 revoke the registration approval of the facility, institution,
24 or program.

25 Section 8. (a) On or before January 1, 2018, the
26 department shall adopt rules to implement this act, in
27 consultation with interested parties, including

1 representatives of any institution with any combination of
2 organizational characteristics defined by this section, former
3 residents of long-term youth residential facilities, advocates
4 for youth, and private concerned parties. Until rules are
5 adopted by the department and become effective any existing
6 child or youth residential organization, facility,
7 institution, boarding school, or program operating in this
8 state shall be governed by the rules applicable to residential
9 care facilities regulated by the Department of Human Resources
10 pursuant to published minimum standards for residential child
11 care facilities. Any institution, facility, or program subject
12 to this act, operating prior to January 1, 2018, shall comply
13 with the department's registration requirements on or before
14 July 1, 2017.

15 (b) The department may adopt emergency rules to
16 implement this section.

17 (c) The department shall have the authority to act
18 in loco parentis for any child covered under this section in
19 need of immediate health, welfare, protective, or other
20 critical services until that child's parent or guardian can be
21 contacted and is able to make those decisions in the interest
22 of the child.

23 (d) No religious, faith-based, or church nonprofit,
24 other nonprofit, or for profit affiliated youth residential
25 facility, youth social rehabilitation facility, community
26 treatment facility for youths, youth transitional care
27 facility, long term youth residential facility, private

1 alternative boarding school, private alternative outdoor
2 program, and any organization entrusted with the residential
3 care of children in any organizational form or combination
4 defined by this section may operate in this state without a
5 current registration approval from the department.

6 (e) Nothing in this section shall prohibit a
7 religious, faith-based, or church nonprofit, other nonprofit,
8 or for profit residential, rehabilitation, community
9 treatment, transitional care facility, or private alternative
10 boarding school or outdoor program that utilizes religious,
11 prayer, or spiritual means as the basis for its program or
12 services from providing those services in accordance with its
13 religious beliefs. Any such facility or program shall include
14 in its advertising that it bases its services or treatment on
15 religious principles. Such facility or program shall provide
16 to any applicant a detailed explanation of its faith-based
17 programs. Such facility or program may require participants to
18 participate in these programs, notwithstanding any other
19 provision of this chapter. This chapter shall not give the
20 department the authority to regulate or prohibit
21 religious-based treatment; provided, however, the treatment
22 shall not be used to violate or circumvent any of the other
23 requirements of this chapter related to the physical safety
24 and condition of any child or the condition of the facility.

25 (f) Nothing in this section shall prohibit a
26 religious, faith-based, or church nonprofit, other nonprofit,
27 or for profit residential, rehabilitation, community

1 treatment, or transitional care facility, or a private
2 alternative boarding school, or outdoor program that utilizes
3 religious, prayer, or spiritual means as the basis for its
4 services from providing those services in accordance with its
5 religious beliefs.

6 (g) Nothing in this section shall give the
7 department the authority to regulate or prohibit
8 religious-based treatment or services, provided that, the
9 treatment or services are not in violation of any requirements
10 of this section as it relates to the safety and welfare of
11 children.

12 (h) Nothing in this section shall be construed or
13 interpreted to authorize any state agency to license or
14 regulate a non-residential private, nonpublic, church or
15 nonprofit school offering instruction in grades K-12, or any
16 combination thereof, that houses or contains children or youth
17 for a period of less than 24 hours.

18 Section 9. This act shall not be interpreted to
19 supersede any other law requiring the reporting or
20 investigation of child abuse or neglect.

21 Section 10. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Children and Se-
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Yeas 78, Nays 13, Abstains 3

Jeff Woodard
Clerk