

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 7, 2026
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB26-113 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend reengrossed bill, page 6, line 11, strike "(2)(e)." and substitute
2 "(4)(e)."

3 Page 6, line 14, strike "ADMINISTRATOR," and substitute "MANAGER,".

4 Page 6, line 15, strike "ADMINISTRATOR," and substitute "MANAGER,".

5 Page 7, strike lines 14 through 17 and substitute:

6 "(b) A RECOVERY RESIDENCE SHALL NOT CATEGORICALLY
7 PROHIBIT A RECOVERY RESIDENT'S ABILITY TO TAKE PRESCRIBED
8 MEDICATIONS, INCLUDING CONTROLLED MEDICATIONS, IN ACCORDANCE
9 WITH A PHYSICIAN'S ORDERS. ADMISSION TO, OR CONTINUED RESIDENCE
10 IN, A RECOVERY RESIDENCE MUST NOT BE CONTINGENT UPON THE
11 CESSATION OF TAKING PRESCRIBED MEDICATIONS UNLESS THE RECOVERY
12 RESIDENCE DETERMINES, THROUGH AN INDIVIDUALIZED ASSESSMENT,
13 THAT THE RECOVERY RESIDENT'S USE OF THE MEDICATION POSES A RISK TO
14 THE SAFETY OF THE RECOVERY RESIDENTS, OR TO THE RECOVERY
15 ENVIRONMENT, AND THAT THE RISK CANNOT BE MITIGATED BY
16 REASONABLE ACCOMMODATION. IN MAKING AN INDIVIDUALIZED
17 DETERMINATION, THE RECOVERY RESIDENCE SHALL CONSIDER INDIVIDUAL
18 FACTORS FOR THE RECOVERY RESIDENT WHO IS PRESCRIBED THE
19 MEDICATION THAT MAY MITIGATE OR INCREASE RISK OF MISUSE OR
20 DIVERSION OF THE PRESCRIBED MEDICATION. THE RECOVERY RESIDENCE
21 SHALL ESTABLISH POLICIES AND PROCEDURES TO IMPLEMENT THIS
22 SUBSECTION (6)(b)."

23 Page 7, line 19, strike "STAFF".

1 Page 8, after line 6 insert:

2 "(9) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART
3 10, A RECOVERY RESIDENCE THAT IS CHARTERED BY OXFORD HOUSE, INC.,
4 OR ITS SUCCESSOR ORGANIZATION, REFERRED TO IN THIS SUBSECTION (9)
5 AS A "CHARTERED RECOVERY RESIDENCE", MAY OPERATE IN THIS STATE
6 AND RECEIVE REFERRALS AND FUNDING PURSUANT TO THIS PART 10 IF THE
7 CHARTERED RECOVERY RESIDENCE:

8 (I) OPERATES IN ACCORDANCE WITH THIS SUBSECTION (9);

9 (II) OPERATES IN ACCORDANCE WITH THE REQUIREMENTS OF
10 HOMES ESTABLISHED PURSUANT TO 42 U.S.C. SEC. 300X-25; AND

11 (III) IS DEMOCRATICALLY RUN SHARED HOUSING THAT HAS NO
12 OPERATOR, MANAGER, PAID STAFF, OR PROVISION OF PROFESSIONAL
13 TREATMENT OR THERAPY.

14 (b) NO LATER THAN JULY 1, 2027, OXFORD HOUSE, INC. SHALL
15 PROVIDE TO THE BHA, IN THE FORM AND MANNER PRESCRIBED BY THE
16 BHA, A LIST OF ALL CHARTERED RECOVERY RESIDENCES IN THE STATE AS
17 OF THE DATE OF THE NOTICE.

18 (c) BEGINNING JULY 1, 2027, OXFORD HOUSE, INC. SHALL NOTIFY
19 THE BHA IN THE FORM AND MANNER PRESCRIBED BY THE BHA WHEN IT
20 ISSUES A NEW CHARTER TO OXFORD HOUSE, INC. IN THE STATE.

21 (d) UPON NOTIFICATION THAT A RECOVERY RESIDENCE IS
22 CHARTERED BY OXFORD HOUSE, INC. OR ITS SUCCESSOR ORGANIZATION,
23 THE BHA SHALL ISSUE A RECOVERY RESIDENCE LICENSE TO THE
24 CHARTERED RECOVERY RESIDENCE.

25 (e) ON AND AFTER JULY 1, 2027, OXFORD HOUSE, INC. SHALL
26 NOTIFY THE BHA WITHIN TEN DAYS AFTER CLOSING OR REVOKING A
27 RECOVERY RESIDENCE'S CHARTER.

28 (f) BEGINNING JULY 1, 2027, A CHARTERED RECOVERY RESIDENCE
29 SHALL SUBMIT OCCURRENCE REPORTS TO THE BHA, IN ACCORDANCE WITH
30 SECTION 27-50-1006 AND IN THE FORM, MANNER, AND TIME FRAME
31 PRESCRIBED BY BHA.

32 (g) A CHARTERED RECOVERY RESIDENCE IS NOT SUBJECT TO AN
33 INITIAL OR ANNUAL ONSITE LICENSURE SURVEY.

34 (h) BEGINNING JULY 1, 2027, THE BHA MAY INSPECT A
35 CHARTERED RECOVERY RESIDENCE IN RESPONSE TO A COMPLAINT OR AN
36 OCCURRENCE REPORT RECEIVED BY THE BHA AS IT DEEMS NECESSARY TO
37 ENSURE THAT THE HEALTH, SAFETY, AND WELFARE OF RECOVERY
38 RESIDENTS ARE PROTECTED, AND THAT THE CHARTERED RECOVERY
39 RESIDENCE IS OPERATING IN ACCORDANCE WITH THIS SUBSECTION (9). THE
40 BHA MAY REQUIRE THAT OXFORD HOUSE, INC. SUBMIT IN WRITING, IN A
41 FORM PRESCRIBED BY THE BHA, A PLAN DETAILING THE MEASURES THAT
42 OXFORD HOUSE, INC. WILL TAKE TO CORRECT VIOLATIONS FOUND BY THE

1 BHA AS A RESULT OF INSPECTIONS UNDERTAKEN PURSUANT TO THIS
2 SUBSECTION (9). THE BHA MAY TAKE ADDITIONAL ACTIONS IN
3 ACCORDANCE WITH SECTION 27-50-1005."

4 Page 8, line 27, strike "GOVERNMENT;" and substitute "GOVERNMENT
5 APPLICABLE TO RESIDENTIAL DWELLINGS OF THE SAME TYPE, SIZE, AND
6 OCCUPANCY CLASSIFICATION IN THE SAME JURISDICTION."

7 Page 9, strike line 1.

8 Page 9, lines 3 and 4, strike "REQUIREMENTS, INCLUDING CRIMINAL
9 HISTORY BACKGROUND CHECK REQUIREMENTS;" and substitute
10 "REQUIREMENTS;".

11 Page 9, strike lines 10 through 16 and substitute "SECTION 27-50-1005
12 (3); AND".

13 Reletter succeeding paragraph accordingly.

14 Page 9, strike lines 21 through 27.

15 Page 10, strike line 1.

16 Renumber succeeding subsections accordingly.

17 Page 10, line 4, after "CODES." insert "A RECOVERY RESIDENCE THAT
18 OPERATES IN A SINGLE-FAMILY OR MULTI-FAMILY RESIDENTIAL
19 STRUCTURE IS NOT REQUIRED TO COMPLY WITH COMMERCIAL,
20 INSTITUTIONAL, OR ASSEMBLY OCCUPANCY STANDARDS SOLELY BY
21 REASON OF ITS LICENSURE UNDER THIS PART 10, REGARDLESS OF THE
22 JURISDICTION IN WHICH THE RECOVERY RESIDENCE OPERATES."

23 Page 13, lines 4 and 5, strike "SECTIONS 24-5-101 AND 12-20-206" and
24 substitute "SECTION 24-5-101 AND SUBSECTION (5) OF THIS SECTION".

25 Page 13, lines 7 and 8, strike "SECTIONS 24-5-101 AND 12-20-206." and
26 substitute "SECTION 24-5-101 AND SUBSECTION (5) OF THIS SECTION."

27 Page 13, after line 10 insert:

28 "(5) (a) AS USED IN THIS SUBSECTION (5), "DIRECTLY RELATED TO"
29 MEANS THAT THE CRIMINAL OFFENSE FOR WHICH AN APPLICANT HAS BEEN
30 CONVICTED IS STILL RELEVANT AT THE TIME OF THE APPLICATION FOR A

1 LICENSE AND WOULD CREATE AN UNREASONABLE RISK TO PUBLIC SAFETY
2 BECAUSE THE OFFENSE DIRECTLY RELATES TO THE DUTIES AND
3 RESPONSIBILITIES OF THE OPERATION OF A RECOVERY RESIDENCE, AS
4 DETERMINED BY BHA AFTER CONSIDERATION OF ALL EVIDENCE
5 AVAILABLE TO THE BHA.

6 (b) IF AN APPLICANT HAS BEEN CONVICTED OF A CRIME, THE BHA
7 MAY ONLY CONSIDER THE APPLICANT'S CONVICTION FOR A THREE-YEAR
8 PERIOD BEGINNING ON THE DATE OF CONVICTION OR THE END OF
9 INCARCERATION, WHICHEVER DATE IS LATER, IF THE APPLICANT HAS NOT
10 BEEN CONVICTED OF ANY OTHER CRIMINAL OFFENSE DURING THE
11 THREE-YEAR PERIOD. AFTER THE THREE-YEAR PERIOD, THE BHA SHALL
12 ONLY CONSIDER THE INDIVIDUAL'S APPLICATION FOR LICENSURE IN THE
13 SAME MANNER AS AN APPLICANT WHO DOES NOT POSSESS A PRIOR
14 CRIMINAL HISTORY RECORD; EXCEPT THAT THE BHA MAY CONSIDER A
15 CONVICTION FOR A CRIME THAT IS DIRECTLY RELATED TO THE OPERATION
16 OF A RECOVERY RESIDENCE.

17 (c) IF THE BHA IS CONSIDERING AN APPLICANT'S CRIMINAL
18 HISTORY RECORD DURING THE APPLICATION PROCESS FOR LICENSURE, THE
19 BHA MAY ONLY DENY OR REFUSE TO ISSUE OR RENEW THE LICENSE BASED
20 ON THE INFORMATION IN THE CRIMINAL HISTORY RECORD IF THE BHA
21 DETERMINES THAT THE APPLICANT HAS NOT BEEN REHABILITATED AND IS
22 UNABLE TO PERFORM THE DUTIES AND RESPONSIBILITIES OF THE
23 OWNERSHIP OR MANAGEMENT OF A RECOVERY RESIDENCE WITHOUT
24 CREATING AN UNREASONABLE RISK TO PUBLIC SAFETY.

25 (d) AN APPLICANT'S CONVICTION FOR A CRIME DOES NOT, IN AND
26 OF ITSELF, DISQUALIFY THE APPLICANT FROM BEING ISSUED A LICENSE TO
27 OPERATE A RECOVERY RESIDENCE.

28 (e) (I) AN APPLICANT OR POTENTIAL APPLICANT WHOSE
29 CONVICTION MAY AFFECT THEIR APPLICATION FOR LICENSURE MAY
30 PETITION THE BHA AT ANY TIME, INCLUDING PRIOR TO SUBMITTING AN
31 APPLICATION, FOR A DECISION AS TO WHETHER THE BHA IS PERMITTED TO
32 CONSIDER THE APPLICANT'S CONVICTION WHEN REVIEWING THE
33 APPLICATION FOR LICENSURE.

34 (II) IF THE BHA DETERMINES THAT THE BHA IS PERMITTED TO
35 CONSIDER AN APPLICANT'S OR POTENTIAL APPLICANT'S CONVICTION, THE
36 BHA SHALL ADVISE THE APPLICANT OR POTENTIAL APPLICANT OF ANY
37 ACTIONS THE APPLICANT OR POTENTIAL APPLICANT MAY TAKE TO REMEDY
38 THE POTENTIAL EFFECT OF THE CONVICTION. IF A REMEDIAL ACTION IS
39 ADVISED BY THE BHA, THE APPLICANT MAY SUBMIT A REVISED PETITION
40 ON OR BEFORE A DATE DETERMINED BY THE BHA FOR COMPLETION OF THE
41 REMEDIAL ACTION.

42 (III) IF THE BHA MAKES AN INITIAL DETERMINATION FOR A
43 POTENTIAL APPLICANT PURSUANT TO THIS SUBSECTION (5)(e), THE BHA

1 MAY REQUIRE A NEW DETERMINATION AT THE TIME AN INDIVIDUAL
2 FORMALLY APPLIES FOR LICENSURE.

3 (f) AN APPLICANT WHO PETITIONS THE BHA MUST INCLUDE IN THE
4 PETITION ANY ADDITIONAL INFORMATION ABOUT THE APPLICANT'S
5 CURRENT CIRCUMSTANCES, INCLUDING THE TIME SINCE THE CRIMINAL
6 OFFENSE WAS COMMITTED AND THE SENTENCE WAS COMPLETED, THE
7 APPLICANT'S AGE AT THE TIME THE OFFENSE WAS COMMITTED, THE
8 PAYMENT OF ANY COURT-ORDERED RESTITUTION, EVIDENCE OF THE
9 APPLICANT'S REHABILITATION, TESTIMONIALS, AND THE APPLICANT'S
10 EMPLOYMENT HISTORY AND EMPLOYMENT ASPIRATIONS.

11 (g) (I) IN ORDER TO DENY AN APPLICATION FOR LICENSURE
12 PURSUANT TO THIS SECTION BASED ON THE INFORMATION IN AN
13 APPLICANT'S CRIMINAL HISTORY RECORD, THE BHA HAS THE BURDEN TO
14 PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE DENIAL IS
15 DIRECTLY RELATED TO INFORMATION IN THE APPLICANT'S CRIMINAL
16 HISTORY RECORD AS IT PERTAINS TO POTENTIAL PERFORMANCE IN, AND
17 THE POTENTIAL CREATION OF, AN UNREASONABLE RISK TO PUBLIC SAFETY
18 THROUGH THE OPERATION OR MANAGEMENT OF A RECOVERY RESIDENCE
19 FOR WHICH THE APPLICANT IS APPLYING FOR LICENSURE.

20 (II) IF AN INDIVIDUAL FILES A PETITION FOR A DETERMINATION
21 PURSUANT TO THIS SUBSECTION (5), RECEIVES NOTICE OF AN AGENCY
22 ADJUDICATORY HEARING, FILES AN ANSWER TO THE NOTICE PURSUANT TO
23 SECTION 24-4-105 (2)(b), AND FAILS TO APPEAR AT THE SCHEDULED TIME
24 AND PLACE OF THE HEARING, THE ADMINISTRATIVE LAW JUDGE SHALL
25 ENTER A DEFAULT JUDGMENT IN FAVOR OF THE BHA.

26 (h) THIS SUBSECTION (5) DOES NOT:

27 (I) NEGATE ANY PROVISION FOR LICENSURE IN THIS TITLE 27 THAT
28 REQUIRES AN APPLICANT TO SUBMIT INFORMATION REGARDING THE
29 APPLICANT'S CRIMINAL HISTORY RECORD TO THE BHA WITH AN
30 APPLICATION;

31 (II) NEGATE ANY OTHER REASON SPECIFIED IN THIS TITLE 27 FOR
32 WHICH THE BHA MAY DENY AN APPLICANT LICENSURE;

33 (III) NEGATE ANY REQUIREMENT UNDER FEDERAL LAW THAT
34 REQUIRES AN INDIVIDUAL TO OBTAIN OR MAINTAIN A LICENSE; OR

35 (IV) NEGATE THE LIST OF DETERMINING FACTORS THAT MUST NOT
36 BE CONSIDERED REGARDING AN APPLICANT'S CRIMINAL HISTORY RECORD
37 PURSUANT TO SECTION 24-5-101 (2)(b)."

38 Renumber succeeding subsections accordingly.

39 Page 13, line 11, strike "(6)" and substitute "(7)".

40 Page 13, line 17, strike "(6)" and substitute "(7)".

1 Page 15, line 27, strike "OWNER, MANAGER," and substitute "OWNER".

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