

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **77-16b-101**, Utah Code Annotated 1953

32 **77-16b-102**, Utah Code Annotated 1953

33 **77-16b-103**, Utah Code Annotated 1953

34 **77-16b-104**, Utah Code Annotated 1953

35 **77-16b-105**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **77-16b-101** is enacted to read:

39 **CHAPTER 16b. INVOLUNTARY FEEDING AND HYDRATION OF INMATES**

40 **77-16b-101. Title.**

41 This chapter is known as the "Involuntary Feeding and Hydration of Inmates."

42 Section 2. Section **77-16b-102** is enacted to read:

43 **77-16b-102. Definitions.**

44 As used in this chapter:

45 (1) "Correctional facility" means a county jail or secure correctional facility as defined  
46 by Section 64-13-1.

47 (2) "Correctional facility administrator" means a county sheriff in charge of a county  
48 jail or a designee of the executive director of the Utah Department of Corrections.

49 (3) "Medical supervision" means under the direction of a licensed physician, physician  
50 assistant, or nurse practitioner.

51 (4) "Mental health therapist" has the same definition as in Section 58-60-102.

52 (5) "Prisoner" means any person who is a pretrial detainee or has been committed to  
53 the custody of a sheriff or the Utah Department of Corrections, and who is physically

53a **↔** [housed] **←** in  
54 a correctional facility.

55 Section 3. Section **77-16b-103** is enacted to read:

56 **77-16b-103. Involuntary feeding or hydration of prisoners -- Petition procedures,**

57 **venue -- Prisoner rights.**

58 (1) A correctional facility administrator may petition the district court where the  
59 correctional facility is located for an order permitting the involuntary feeding or hydration of  
60 any prisoner who is likely to suffer severe harm or death by refusing to accept sufficient  
61 nutrition or hydration.

62 (2) Prior to the filing of a petition under this section, a mental health therapist who is  
63 designated by the correctional facility administrator shall conduct a mental health evaluation of  
64 the subject prisoner.

65 (3) Upon the filing of a petition, the district court shall hold a hearing within two  
66 working days. The court:

67 (a) shall confidentially review the prisoner's medical and mental health records as they  
68 are available;

69 (b) may hear testimony or receive evidence, subject to the Utah Rules of Evidence,  
70 concerning the circumstances of the prisoner's lack of nutrition or hydration; and

71 (c) may exclude from the hearing any person whose presence is not necessary for the  
72 purposes of the hearing, due to the introduction of personal medical and mental health  
73 evidence.

74 (4) After conducting the hearing under Subsection (3), the district court shall issue an  
75 order to involuntarily feed or hydrate the prisoner, if the court finds by a preponderance of  
76 evidence that:

77 (a) (i) the prisoner is likely to suffer severe harm or death by refusing to accept  
78 sufficient nutrition or hydration; and

79 (ii) the correctional facility's medical or penological objectives are valid and outweigh  
80 the prisoner's right to refuse treatment; or

81 (b) the prisoner is refusing sufficient nutrition or hydration with the intent to obstruct  
82 or delay any judicial or administrative proceeding pending against the prisoner.

83 (5) The district court shall state its findings of fact and conclusions of law on the  
84 record.

85 (6) The correctional facility administrator shall serve copies of the petition and a notice  
86 of the district court hearing on the prisoner and the prisoner's counsel, if the prisoner is  
87 represented by counsel, at least ~~§~~ → [48] 24 ← ~~§~~ hours in advance of the hearing under Subsection  
87a (3).