

CONTRACEPTION FOR INMATES

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Luz Escamilla

6	Cosponsors:	Rosemary T. Lesser	Andrew Stoddard
7	Gay Lynn Bennion	Ashlee Matthews	Elizabeth Weight
8	Joel K. Briscoe	Carol Spackman Moss	Mark A. Wheatley
9	Sandra Hollins	Doug Owens	
10	Brian S. King	Stephanie Pitcher	
11	Karen Kwan	Angela Romero	



LONG TITLE

General Description:

This bill modifies provisions related to the care of prisoners.

Highlighted Provisions:

This bill:

- ▶ requires a jail to provide a prisoner with the option of continuing certain medically prescribed methods of contraception;
- ▶ provides a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

28 **17-22-8**, as last amended by Laws of Utah 2019, Chapter 385

29 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434

30

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

32 Section 1. Section **17-22-8** is amended to read:

33 **17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

34 (1) Except as provided in Subsection [~~(4), the~~] (5), a sheriff shall:

35 (a) receive [~~all persons~~] each individual committed to jail by competent authority;

36 (b) provide [~~them~~] each prisoner with necessary food, clothing, and bedding in the
37 manner prescribed by the county legislative body; [~~and~~]

38 (c) provide each prisoner medical care when:

39 (i) the [~~person's~~] prisoner's symptoms evidence a serious disease or injury;

40 (ii) the [~~person's~~] prisoner's disease or injury is curable or may be substantially
41 alleviated; and

42 (iii) the potential for harm to the person by reason of delay or the denial of medical
43 care would be substantial[~~;~~]; and

44 (d) provide each prisoner, as part of the intake process, with the option of continuing
45 any of the following medically prescribed methods of contraception:

46 (i) an oral contraceptive;

47 (ii) an injectable contraceptive; or

48 (iii) an intrauterine device, if the prisoner was prescribed the intrauterine device

49 because the prisoner experiences serious and persistent adverse effects when using the methods
50 of contraception described in Subsections (1)(d)(i) and (ii).

51 (2) A sheriff may provide the generic form of a contraceptive described in Subsection
52 (1)(d)(i) or (ii).

53 [~~(2) The~~] (3) A sheriff shall follow the provisions of Section **64-13-46** if a prisoner is
54 pregnant and gives birth, including the reporting requirements in Subsection **64-13-45**(2)(c).

55 ~~[(3) The]~~ (4) (a) Except as provided in Subsection (4)(b), the expense incurred in
56 providing [these] the services required by this section to prisoners shall be paid from the county
57 treasury, except as provided in Section 17-22-10.

58 (b) The expense incurred in providing the services described in Subsection (1)(d) to
59 prisoners shall be paid by the Department of Health.

60 ~~[(4)]~~ (5) If the county executive contracts with a private contractor to provide the
61 services required by this section, the sheriff shall provide only those services required of [him]
62 the sheriff by the contract between the county and the private contractor.

63 Section 2. Section **63I-2-217** is amended to read:

64 **63I-2-217. Repeal dates -- Title 17.**

65 (1) (a) Subsections 17-22-8(1)(d) and (2) regarding contraceptives for inmates, is
66 repealed June 30, 2022.

67 (b) Subsection 17-22-8(4)(a), the language "Except as provided in Subsection (4)(b)" is
68 repealed June 30, 2022.

69 (c) Subsection 17-22-8(4)(b) regarding the Department of Health is repealed June 30,
70 2022.

71 (d) On July 1, 2022, when making the changes in this section, the Office of Legislative
72 Research and General Counsel shall in addition to its authority under Subsection 36-12-12(3):

73 (i) make corrections necessary to ensure that sections and subsections identified in this
74 section are complete sentences and accurately reflect the office's understanding of the
75 Legislature's intent; and

76 (ii) make necessary changes to subsection numbering and cross references.

77 ~~[(1)]~~ (2) Section 17-22-32.2, regarding restitution reporting, is repealed January 1,
78 2021.

79 ~~[(2)]~~ (3) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs
80 Study Council, is repealed January 1, 2021.

81 ~~[(3)]~~ (4) Subsection 17-27a-102(1)(b), the language that states "or a designated

82 mountainous planning district" is repealed June 1, 2021.

83 ~~[(4)]~~ (5) (a) Subsection 17-27a-103(18)(b), regarding a mountainous planning district,
84 is repealed June 1, 2021.

85 (b) Subsection 17-27a-103(42), regarding a mountainous planning district, is repealed
86 June 1, 2021.

87 ~~[(5)]~~ (6) Subsection 17-27a-210(2)(a), the language that states "or the mountainous
88 planning district area" is repealed June 1, 2021.

89 ~~[(6)]~~ (7) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning
90 district, is repealed June 1, 2021.

91 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
92 June 1, 2021.

93 (c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1,
94 2021.

95 ~~[(7)]~~ (8) Section 17-27a-302, the language that states ", or mountainous planning
96 district" and "or the mountainous planning district," is repealed June 1, 2021.

97 ~~[(8)]~~ (9) Subsection 17-27a-305(1)(a), the language that states "a mountainous
98 planning district or" and ", as applicable" is repealed June 1, 2021.

99 ~~[(9)]~~ (10) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning
100 district, is repealed June 1, 2021.

101 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
102 June 1, 2021.

103 ~~[(10)]~~ (11) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning
104 district, is repealed June 1, 2021.

105 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
106 repealed June 1, 2021.

107 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
108 planning district" is repealed June 1, 2021.

109 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
110 district" is repealed June 1, 2021.

111 [~~(11)~~] (12) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning
112 district, is repealed June 1, 2021.

113 [~~(12)~~] (13) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning
114 district, is repealed June 1, 2021.

115 [~~(13)~~] (14) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
116 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

117 [~~(14)~~] (15) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning
118 district, is repealed June 1, 2021.

119 [~~(15)~~] (16) Subsection 17-27a-605(1)(a), the language that states "or mountainous
120 planning district land" is repealed June 1, 2021.

121 [~~(16)~~] (17) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed
122 June 1, 2021.

123 [~~(17)~~] (18) On June 1, 2021, when making the changes in this section, the Office of
124 Legislative Research and General Counsel shall:

125 (a) in addition to its authority under Subsection 36-12-12(3):

126 (i) make corrections necessary to ensure that sections and subsections identified in this
127 section are complete sentences and accurately reflect the office's understanding of the
128 Legislature's intent; and

129 (ii) make necessary changes to subsection numbering and cross references; and

130 (b) identify the text of the affected sections and subsections based upon the section and
131 subsection numbers used in Laws of Utah 2017, Chapter 448.

132 [~~(18)~~] (19) Subsection 17-34-1(5)(d), regarding county funding of certain municipal
133 services in a designated recreation area, is repealed June 1, 2021.

134 [~~(19)~~] (20) Title 17, Chapter 35b, Consolidation of Local Government Units, is
135 repealed January 1, 2022.

136 [~~20~~] (21) On June 1, 2022:

137 (a) Section 17-52a-104 is repealed;

138 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision

139 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

140 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

141 [~~21~~] (22) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to

142 initiate a change of form of government process by July 1, 2018, is repealed.