

Senator Luz Escamilla proposes the following substitute bill:

CONTRACEPTION FOR INMATES

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: Luz Escamilla

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

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:



24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **17-22-8**, as last amended by Laws of Utah 2019, Chapter 385

28 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434



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

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

32 **17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

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

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

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

37 (c) provide each prisoner medical care when:

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

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

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

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

45 (i) an oral contraceptive;

46 (ii) an injectable contraceptive; or

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

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

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

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

54 [~~(3) The~~] (4) (a) Except as provided in Subsection (4)(b), the expense incurred in

55 providing ~~[these]~~ the services required by this section to prisoners shall be paid from the county
56 treasury, except as provided in Section 17-22-10.

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

59 ~~[(4)]~~ (5) If the county executive contracts with a private contractor to provide the
60 services required by this section, the sheriff shall provide only those services required of ~~[him]~~
61 the sheriff by the contract between the county and the private contractor.

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

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

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

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

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

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

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

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

76 ~~[(1)]~~ (2) Section 17-22-32.2, regarding restitution reporting, is repealed January 1,
77 2021.

78 ~~[(2)]~~ (3) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs
79 Study Council, is repealed January 1, 2021.

80 ~~[(3)]~~ (4) Subsection 17-27a-102(1)(b), the language that states "or a designated
81 mountainous planning district" is repealed June 1, 2021.

82 ~~[(4)]~~ (5) (a) Subsection 17-27a-103(18)(b), regarding a mountainous planning district,
83 is repealed June 1, 2021.

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

86 ~~[(5)]~~ (6) Subsection 17-27a-210(2)(a), the language that states "or the mountainous
87 planning district area" is repealed June 1, 2021.

88 ~~[(6)]~~ (7) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning
89 district, is repealed June 1, 2021.

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

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

94 ~~[(7)]~~ (8) Section 17-27a-302, the language that states ", or mountainous planning
95 district" and "or the mountainous planning district," is repealed June 1, 2021.

96 ~~[(8)]~~ (9) Subsection 17-27a-305(1)(a), the language that states "a mountainous
97 planning district or" and ", as applicable" is repealed June 1, 2021.

98 ~~[(9)]~~ (10) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning
99 district, is repealed June 1, 2021.

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

102 ~~[(10)]~~ (11) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning
103 district, is repealed June 1, 2021.

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

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

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

110 ~~[(11)]~~ (12) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning
111 district, is repealed June 1, 2021.

112 ~~[(12)]~~ (13) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning
113 district, is repealed June 1, 2021.

114 ~~[(13)]~~ (14) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
115 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

116 ~~[(14)]~~ (15) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning

117 district, is repealed June 1, 2021.

118 ~~[(15)]~~ (16) Subsection 17-27a-605(1)(a), the language that states "or mountainous
119 planning district land" is repealed June 1, 2021.

120 ~~[(16)]~~ (17) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed
121 June 1, 2021.

122 ~~[(17)]~~ (18) On June 1, 2021, when making the changes in this section, the Office of
123 Legislative Research and General Counsel shall:

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

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

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

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

131 ~~[(18)]~~ (19) Subsection 17-34-1(5)(d), regarding county funding of certain municipal
132 services in a designated recreation area, is repealed June 1, 2021.

133 ~~[(19)]~~ (20) Title 17, Chapter 35b, Consolidation of Local Government Units, is
134 repealed January 1, 2022.

135 ~~[(20)]~~ (21) On June 1, 2022:

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

137 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
138 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

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

140 ~~[(21)]~~ (22) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
141 initiate a change of form of government process by July 1, 2018, is repealed.