

**Substance Use Disorder Revisions**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill addresses substance use disorder screening in state correctional facilities and county jails.

**Highlighted Provisions:**

This bill:

- defines terms;
- requires state correctional facilities and county jails to:
  - screen inmates for substance use disorders;
  - report data related to the screenings; and
  - use the screenings to assist with treatment and programming decisions for inmates;
- and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-22-8**, as last amended by Laws of Utah 2023, Chapters 119, 420

**17-22-32**, as last amended by Laws of Utah 2024, Chapter 245

ENACTS:

**26B-4-901**, Utah Code Annotated 1953

**26B-4-902**, Utah Code Annotated 1953

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

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

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

- (1) As used in this section, "medication assisted treatment plan" means a prescription plan to use prescribed medication approved by the Food and Drug Administration, such as buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or an opioid use disorder.
- (2) Except as provided in Subsection (7), a sheriff shall:
- (a) receive each individual committed to jail by competent authority;
  - (b) provide each prisoner with necessary food, clothing, and bedding in the manner prescribed by the county legislative body;
  - (c) provide each prisoner medical care when:
    - (i) the prisoner's symptoms evidence a serious disease or injury;
    - (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and
    - (iii) the potential for harm to the person by reason of delay or the denial of medical care would be substantial;
  - (d) provide each prisoner, as part of the intake process, with the option of continuing any of the following medically prescribed methods of contraception:
    - (i) an oral contraceptive;
    - (ii) an injectable contraceptive;
    - (iii) a patch;
    - (iv) a vaginal ring; or
    - (v) an intrauterine device, if the prisoner was prescribed the intrauterine device because the prisoner experiences serious and persistent adverse effects when using the methods of contraception described in Subsections (2)(d)(i) and (ii);~~and~~
  - ~~(e)~~
    - (i) within 30 days after an inmate is committed to jail, use an evidence-based screening tool to screen each inmate for substance use disorders; and
    - (ii) use the results of the screening to assist with providing programming and treatment options for the inmate; and
  - ~~(f)~~ cooperate with medical personnel to continue a medication assisted treatment plan for an inmate if the inmate was an active client before arrest and commitment.
- (3) A sheriff may provide the generic form of a contraceptive described in Subsection (2)(d)(i) or (ii).
- (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in postpartum recovery, including the reporting requirements in Subsection 64-13-45(2)(c).

- (5)(a) Except as provided in Section 17-22-10 and Subsection (5)(b), the expense incurred in providing the services required by this section to prisoners shall be paid from the county treasury.
- (b) The expense incurred in providing the services described in Subsection (2)(d) to prisoners shall be paid by the Department of Health and Human Services.
- (6) A medication used for a medication assisted treatment plan under Subsection [(2)(e)] (2)(f):
- (a) shall be administered to an inmate in accordance with the inmate's prescription under the direction of the sheriff;
  - (b) may be paid for by a county; and
  - (c) may be left or stored at a jail at the discretion of the sheriff.
- (7) If the county executive contracts with a private contractor to provide the services required by this section, the sheriff shall provide only those services required of the sheriff by the contract between the county and the private contractor.

Section 2. Section **17-22-32** is amended to read:

**17-22-32 . County jail reporting requirements.**

- (1) As used in this section:
- (a) "Commission" means the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201.
  - (b)(i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of a county jail.
  - (ii) "In-custody death" includes an inmate death that occurs while the inmate is:
    - (A) being transported for medical care; or
    - (B) receiving medical care outside of a county jail.
  - (c) "Inmate" means an individual who is processed or booked into custody or housed in a county jail in the state.
  - (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- (2) Each county jail shall submit a report to the commission before June 15 of each year that includes, for the preceding calendar year:
- (a) the average daily inmate population each month;
  - (b) the number of inmates in the county jail on the last day of each month who identify as each race or ethnicity included in the Standards for Transmitting Race and Ethnicity published by the United States Federal Bureau of Investigation;
  - (c) the number of inmates booked into the county jail;

- (d) the number of inmates held in the county jail each month on behalf of each of the following entities:
- (i) the Bureau of Indian Affairs;
  - (ii) a state prison;
  - (iii) a federal prison;
  - (iv) the United States Immigration and Customs Enforcement; and
  - (v) any other entity with which a county jail has entered a contract to house inmates on the entity's behalf;
- (e) the number of inmates that are denied pretrial release and held in the custody of the county jail while the inmate awaited final disposition of the inmate's criminal charges;
- (f) for each inmate booked into the county jail:
- (i) the name of the agency that arrested the inmate;
  - (ii) the date and time the inmate was booked into and released from the custody of the county jail;
  - (iii) if the inmate was released from the custody of the county jail, the reason the inmate was released from the custody of the county jail;
  - (iv) if the inmate was released from the custody of the county jail on a financial condition, whether the financial condition was set by a county sheriff or a court;
  - (v) the number of days the inmate was held in the custody of the county jail before disposition of the inmate's criminal charges;
  - (vi) whether the inmate was released from the custody of the county jail before final disposition of the inmate's criminal charges; and
  - (vii) the state identification number of the inmate;
- (g) the number of in-custody deaths that occurred at the county jail;
- (h) for each in-custody death:
- (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis or disability, if any, of the deceased;
  - (ii) the date, time, and location of death;
  - (iii) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
  - (iv) a brief description of the circumstances surrounding the death;
- (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of each of the in-custody deaths described in Subsection (2)(g);
- (j) the county jail's policy for notifying an inmate's next of kin after the inmate's

- 131 in-custody death;
- 132 (k) the county jail policies, procedures, and protocols:
- 133 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
- 134 including use of opiates;
- 135 (ii) that relate to the county jail's provision, or lack of provision, of medications used
- 136 to treat, mitigate, or address an inmate's symptoms of withdrawal, including
- 137 methadone and all forms of buprenorphine and naltrexone; and
- 138 (iii) that relate to screening, assessment, and treatment of an inmate for a substance
- 139 use or mental health disorder[~~;~~ and] , including the policies, procedures, and
- 140 protocols that implement the requirements described in Subsection 17-22-8(2)(e);
- 141 (l)(i) the number of inmates whose screening described in Subsection 17-22-8(2)(e)
- 142 indicated the presence of a substance use disorder; and
- 143 (ii) of the inmates whose screening indicated the presence of a substance use
- 144 disorder, the number of inmates who received medication pursuant to a
- 145 medication assisted treatment plan, as that term is defined in Section 17-22-8; and
- 146 (m) any report the county jail provides or is required to provide under federal law or
- 147 regulation relating to inmate deaths.
- 148 (3)(a) Subsection (2) does not apply to a county jail if the county jail:
- 149 (i) collects and stores the data described in Subsection (2); and
- 150 (ii) enters into a memorandum of understanding with the commission that allows the
- 151 commission to access the data described in Subsection (2).
- 152 (b) The memorandum of understanding described in Subsection (3)(a)(ii) shall include a
- 153 provision to protect any information related to an ongoing investigation and comply
- 154 with all applicable federal and state laws.
- 155 (c) If the commission accesses data from a county jail in accordance with Subsection
- 156 (3)(a), the commission may not release a report prepared from that data, unless:
- 157 (i) the commission provides the report for review to:
- 158 (A) the county jail; and
- 159 (B) any arresting agency that is named in the report; and
- 160 (ii)(A) the county jail approves the report for release;
- 161 (B) the county jail reviews the report and prepares a response to the report to be
- 162 published with the report; or
- 163 (C) the county jail fails to provide a response to the report within four weeks after
- 164 the day on which the commission provides the report to the county jail.

- (4) The commission shall:
- (a) compile the information from the reports described in Subsection (2);
  - (b) omit or redact any identifying information of an inmate in the compilation to the extent omission or redaction is necessary to comply with state and federal law;
  - (c) submit the compilation to the Law Enforcement and Criminal Justice Interim Committee and the Utah Substance Use and Mental Health Advisory Committee before November 1 of each year; and
  - (d) submit the compilation to the protection and advocacy agency designated by the governor before November 1 of each year.
- (5) The commission may not provide access to or use a county jail's policies, procedures, or protocols submitted under this section in a manner or for a purpose not described in this section.
- (6) A report including only the names and causes of death of deceased inmates and the facility in which they were being held in custody shall be made available to the public.

Section 3. Section **26B-4-901** is enacted to read:

#### **Part 9. Inmate Health**

##### **26B-4-901 . Definitions.**

As used in this part:

- (1) "Correctional facility" means a facility operated to house inmates in a secure or nonsecure setting:
  - (a) by the Department of Corrections; or
  - (b) under a contract with the Department of Corrections.
- (2) "Division" means the Division of Correctional Health Services.
- (3) "Inmate" means an individual who is:
  - (a) committed to the custody of the Department of Corrections; and
  - (b) housed at a correctional facility or at a county jail at the request of the Department of Corrections.
- (4) "Medication assisted treatment" means the use of a prescribed medication approved by the Food and Drug Administration, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or an opioid use disorder.
- (5) "Substance use disorder" means the same as that term is defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

Section 4. Section **26B-4-902** is enacted to read:

199        **26B-4-902 . Substance use disorder screening.**

- 200        (1) Within 30 days after an inmate is committed to the custody of the Department of  
201        Corrections, the division shall use an evidence-based screening tool to screen the inmate  
202        for substance use disorders.
- 203        (2) If the screening described in Subsection (1) indicates the presence of a substance use  
204        disorder, the division, in coordination with the correctional facility where the inmate is  
205        housed, and as appropriate and available, may:
- 206        (a) make medication assisted treatment available to the inmate; and  
207        (b) place the inmate in programs designed to assist individuals with a substance use  
208        disorder.
- 209        (3) Before October 1 each year, the division shall provide a report to the Health and Human  
210        Services Interim Committee regarding actions taken pursuant to this section in the  
211        preceding fiscal year, including:
- 212        (a) the number of inmates who were screened;  
213        (b) the number of inmates whose screening indicated the presence of a substance use  
214        disorder; and  
215        (c) of the inmates whose screening indicated the presence of a substance use disorder,  
216        the number of inmates who received medication assisted treatment.

217        **Section 5. Effective Date.**

218        This bill takes effect on May 7, 2025.