

**Transgender State Custody Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

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**LONG TITLE****General Description:**

This bill amends provisions related to transgender individuals in state custody.

**Highlighted Provisions:**

This bill:

- defines terms;
  - specifies what treatments the Department of Health and Human Services may provide to inmates;
  - amends housing provisions related to youth juvenile detention and secure care facilities;
- and
- makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**80-5-102**, as last amended by Laws of Utah 2024, Chapter 240

**80-5-501**, as renumbered and amended by Laws of Utah 2021, Chapter 261

**80-5-503**, as renumbered and amended by Laws of Utah 2021, Chapter 261

ENACTS:

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

**26B-4-903**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

**26B-4-902**, (Renumbered from 26B-4-325, as last amended by Laws of Utah 2024, Chapter 266)

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

Section 1. 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) "Cross-sex hormone treatment" means administering, prescribing, or supplying for effectuating or facilitating an individual's attempted sex change:
- (a) to an individual whose biological sex at birth is female, a dose of testosterone or other androgens at levels above those normally found in an individual whose biological sex at birth is female; or
  - (b) to an individual whose biological sex at birth is male, a dose of estrogen or a synthetic compound with estrogenic activity or effect at levels above those normally found in an individual whose biological sex at birth is male.
- (3) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (4) "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.
- (5) "Medical monitoring technology" means a device, application, or other technology that can be used to improve health outcomes and the experience of care for patients, including evidence-based clinically evaluated software and devices that can be used to monitor and treat diseases and disorders.
- (6)(a) "Primary sex characteristic surgical procedure" means any of the following if done for the purpose of effectuating or facilitating an individual's attempted sex change:
- (i) for an individual whose biological sex at birth is male, castration, orchiectomy, penectomy, vaginoplasty, or vulvoplasty;
  - (ii) for an individual whose biological sex at birth is female, hysterectomy, oophorectomy, metoidioplasty, or phalloplasty; or
  - (iii) any surgical procedure that is related to or necessary for a procedure described in Subsection (6)(a)(i) or (ii), that would result in the sterilization of an individual who is not sterile.

- 66 (b) "Primary sex characteristic surgical procedure" does not include:
- 67 (i) surgery or other procedures or treatments performed on an individual who:
- 68 (A) is born with external biological sex characteristics that are irresolvably
- 69 ambiguous;
- 70 (B) is born with 46, XX chromosomes with virilization;
- 71 (C) is born with 46, XY chromosomes with undervirilization;
- 72 (D) has both ovarian and testicular tissue; or
- 73 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 74 with a sex development disorder characterized by abnormal sex chromosome
- 75 structure, sex steroid hormone production, or sex steroid hormone action for a
- 76 male or female; or
- 77 (ii) removing a body part:
- 78 (A) because the body part is cancerous or diseased; or
- 79 (B) for a reason that is medically necessary, other than to effectuate or facilitate an
- 80 individual's attempted sex change.
- 81 (7)(a) "Secondary sex characteristic surgical procedure" means any of the following if
- 82 done for the purpose of effectuating or facilitating an individual's attempted sex
- 83 change:
- 84 (i) for an individual whose biological sex at birth is male, breast augmentation
- 85 surgery, chest feminization surgery, or facial feminization surgery; or
- 86 (ii) for an individual whose biological sex at birth is female, mastectomy, breast
- 87 reduction surgery, chest masculinization surgery, or facial masculinization surgery.
- 88 (b) "Secondary sex characteristic surgical procedure" does not include:
- 89 (i) surgery or other procedures or treatments performed on an individual who:
- 90 (A) is born with external biological sex characteristics that are irresolvably
- 91 ambiguous;
- 92 (B) is born with 46, XX chromosomes with virilization;
- 93 (C) is born with 46, XY chromosomes with undervirilization;
- 94 (D) has both ovarian and testicular tissue; or
- 95 (E) has been diagnosed by a physician, based on genetic or biochemical testing,
- 96 with a sex development disorder characterized by abnormal sex chromosome
- 97 structure, sex steroid hormone production, or sex steroid hormone action for a
- 98 male or female; or
- 99 (ii) removing a body part:

- 100           (A) because the body part is cancerous or diseased; or  
 101           (B) for a reason that is medically necessary, other than to effectuate or facilitate an  
 102           individual's attempted sex change.

103 (8) "Terminally ill" means the same as that term is defined in Section 31A-36-102.

104           Section 2. Section **26B-4-902**, which is renumbered from Section 26B-4-325 is renumbered  
 105 and amended to read:

106           **[26B-4-325] 26B-4-902 . Medical care for inmates -- Reporting of statistics.**

107           [As used in this section:]

108 [(1) "Correctional facility" means a facility operated to house inmates in a secure or  
 109 nonsecure setting:]

110           [(a) by the Department of Corrections; or]

111           [(b) under a contract with the Department of Corrections.]

112 [(2) "Health care facility" means the same as that term is defined in Section 26B-2-201.]

113 [(3) "Inmate" means an individual who is:]

114           [(a) committed to the custody of the Department of Corrections; and]

115           [(b) housed at a correctional facility or at a county jail at the request of the Department of  
 116 Corrections.]

117 [(4) "Medical monitoring technology" means a device, application, or other technology  
 118 that can be used to improve health outcomes and the experience of care for patients,  
 119 including evidence-based clinically evaluated software and devices that can be used to  
 120 monitor and treat diseases and disorders.]

121 [(5) "Terminally ill" means the same as that term is defined in Section 31A-36-102.]

122 [(6)] (1) The department shall:

123           (a) for each health care facility owned or operated by the Department of Corrections,  
 124           assist the Department of Corrections in complying with Section 64-13-39;

125           (b) in coordination with the Department of Corrections, and as the Department of  
 126           Correction's agent:

127           (i) create policies and procedures for providing comprehensive health care to inmates;

128           (ii) provide inmates with comprehensive health care; and

129           (iii) develop standard population indicators and performance measures relating to the  
 130           health of inmates; and

131           (c) collaborate with the Department of Corrections to comply with Section 64-13-25.1.

132 [(7)] (2) In providing the comprehensive health care described in Subsection [(6)(b)(ii)]

133           (1)(b)(ii), the department may not, without entering into an agreement with the

134 Department of Corrections, provide, operate, or manage any treatment plans for inmates  
135 that are:

136 (a) required to be provided, operated, or managed by the Department of Corrections in  
137 accordance with Section 64-13-6; and

138 (b) not related to the comprehensive health care provided by the department.

139 [(8)] (3) Beginning July 1, 2023, and ending June 30, 2024, the department shall:

140 (a) evaluate and study the use of medical monitoring technology and create a plan for a  
141 pilot program that identifies:

142 (i) the types of medical monitoring technology that will be used during the pilot  
143 program; and

144 (ii) eligibility for participation in the pilot program; and

145 (b) make the indicators and performance measures described in Subsection [(6)(b)(iii)]  
146 (1)(b)(iii) available to the public through the Department of Corrections and the  
147 department websites.

148 [(9)] (4) Beginning July 1, 2024, and ending June 30, 2029, the department shall implement  
149 the pilot program.

150 [(10)] (5) The department shall submit to the Health and Human Services Interim  
151 Committee and the Law Enforcement and Criminal Justice Interim Committee:

152 (a) a report on or before October 1 of each year regarding the costs and benefits of the  
153 pilot program;

154 (b) a report that summarizes the indicators and performance measures described in  
155 Subsection [(6)(b)(iii)] (1)(b)(iii) on or before October 1, 2024; and

156 (c) an updated report before October 1 of each year that compares the indicators and  
157 population measures of the most recent year to the initial report described in  
158 Subsection [(10)(b)] (5)(b).

159 [(11)] (6) An inmate receiving comprehensive health care from the department remains in  
160 the custody of the Department of Corrections.

161 Section 3. Section **26B-4-903** is enacted to read:

162 **26B-4-903 . Requirements for certain treatments for inmates.**

163 (1) The department may not initiate any of the following procedures or treatments for  
164 inmates:

165 (a) a cross-sex hormone treatment;

166 (b) a primary sex characteristic surgical procedure; or

167 (c) a secondary sex characteristic surgical procedure.

168 (2) Subject to Subsection (1) and Section 63-14-45, to treat an inmate's gender dysphoria  
169 and any co-occurring mental health disorder, the department may provide  
170 psychotherapy, mental healthcare, or any other medically necessary and appropriate  
171 treatment.

172 Section 4. Section **80-5-102** is amended to read:

173 **80-5-102 . Definitions.**

174 As used in this chapter:

- 175 (1) "Account" means the Juvenile Justice Reinvestment Restricted Account created in  
176 Section 80-5-302.
- 177 (2)(a) "Adult" means an individual who is 18 years old or older.  
178 (b) "Adult" does not include a juvenile offender.
- 179 (3) "Aftercare services" means the same as the term "aftercare" is defined in 45 C.F.R.  
180 1351.1.
- 181 (4) "Authority" means the Youth Parole Authority created in Section 80-5-701.
- 182 (5) "Control" means the authority to detain, restrict, and supervise a juvenile offender in a  
183 manner consistent with public safety and the well-being of the juvenile offender and  
184 division employees.
- 185 (6) "Director" means the director of the Division of Juvenile Justice and Youth Services.
- 186 (7) "Discharge" means the same as that term is defined in Section 80-6-102.
- 187 (8) "Division" means the Division of Juvenile Justice and Youth Services created in Section  
188 80-5-103.
- 189 (9) "Homeless youth" means a child, other than an emancipated minor:  
190 (a) who is a runaway; or  
191 (b) who is:  
192 (i) not accompanied by the child's parent or guardian; and  
193 (ii) without care, as defined in Section 80-5-602.
- 194 (10) "Housing unit" means an area with secured entrances, youth rooms, and common area  
195 space.
- 196 [~~(10)~~] (11) "Observation and assessment program" means a nonresidential service program  
197 operated or purchased by the division that is responsible only for diagnostic assessment  
198 of minors, including for substance use disorder, mental health, psychological, and sexual  
199 behavior risk assessments.
- 200 [~~(11)~~] (12) "Performance based contracting" means a system of contracting with service  
201 providers for the provision of residential or nonresidential services that:

- 202 (a) provides incentives for the implementation of evidence-based juvenile justice  
 203 programs or programs rated as effective for reducing recidivism by a standardized  
 204 tool in accordance with Section 63M-7-208; and
- 205 (b) provides a premium rate allocation for a minor who receives the evidence-based  
 206 dosage of treatment and successfully completes the program within three months.
- 207 ~~[(12)]~~ (13) "Rescission" means the same as that term is defined in Section 80-6-102.
- 208 ~~[(13)]~~ (14) "Restitution" means the same as that term is defined in Section 80-6-102.
- 209 ~~[(14)]~~ (15) "Revocation" means the same as that term is defined in Section 80-6-102.
- 210 ~~[(15)]~~ (16) "Temporary custody" means the same as that term is defined in Section 80-6-102.
- 211 ~~[(16)]~~ (17) "Temporary homeless youth shelter" means a facility that:
- 212 (a) provides temporary shelter to homeless youth; and
- 213 (b) is licensed by the Department of Health and Human Services, created in Section  
 214 26B-1-201, as a residential support program.
- 215 ~~[(17)]~~ (18) "Termination" means the same as that term is defined in Section 80-6-102.
- 216 ~~[(18)]~~ (19) "Victim" means the same as that term is defined in Section 80-6-102.
- 217 ~~[(19)]~~ (20) "Work program" means a nonresidential public or private service work project  
 218 established and administered by the division for juvenile offenders for the purpose of  
 219 rehabilitation, education, and restitution to victims.
- 220 (21) "Youth room" means a secured room where an individual sleeps and uses restroom  
 221 facilities.
- 222 ~~[(20)]~~ (22)(a) "Youth services" means services provided in an effort to resolve family  
 223 conflict:
- 224 (i) for families in crisis when a minor is ungovernable or a runaway; or
- 225 (ii) involving a minor and the minor's parent or guardian.
- 226 (b) "Youth services" include efforts to:
- 227 (i) resolve family conflict;
- 228 (ii) maintain or reunite minors with the minors' families; and
- 229 (iii) divert minors from entering or escalating in the juvenile justice system.
- 230 (c) "Youth services" may provide:
- 231 (i) crisis intervention;
- 232 (ii) short-term shelter;
- 233 (iii) time-out placement; and
- 234 (iv) family counseling.
- 235 ~~[(21)]~~ (23) "Youth services center" means a center established by, or under contract with,

236 the division to provide youth services.

237 Section 5. Section **80-5-501** is amended to read:

238 **80-5-501 . Detention facilities and services.**

239 (1) The division shall provide detention facilities and services in each county, or group of  
240 counties, as the population demands, in accordance with this chapter.

241 (2)(a) The division is responsible for development, implementation, and administration  
242 of home detention services available in every judicial district.

243 (b) The division shall establish criteria for placement in home detention.

244 (3) The division shall provide training regarding implementation of the rules made under  
245 Subsection 80-5-202(1)(a) to law enforcement agencies, division employees, juvenile  
246 court employees, and other affected agencies and individuals upon their request.

247 (4) The division may not allow a male individual and female individual to share a youth  
248 room in a detention facility.

249 Section 6. Section **80-5-503** is amended to read:

250 **80-5-503 . Secure care facilities.**

251 (1) The division shall maintain and operate secure care facilities for the custody and  
252 rehabilitation of juvenile offenders:

253 (a) who pose a danger of serious bodily harm to others;

254 (b) who cannot be controlled in a less secure setting; or

255 (c) who have engaged in a pattern of conduct characterized by persistent and serious  
256 criminal offenses that, as demonstrated through the use of other alternatives, cannot  
257 be controlled in a less secure setting.

258 (2)(a) The director shall appoint an administrator for each secure care facility.

259 (b) An administrator of a secure care facility shall have experience in social work, law,  
260 criminology, corrections, or a related field, and in administration.

261 (3)(a)(i) The division, in cooperation with the State Board of Education, shall  
262 provide instruction, or make instruction available, to juvenile offenders in secure  
263 care facilities.

264 (ii) The instruction shall be appropriate to the age, needs, and range of abilities of the  
265 juvenile offender.

266 (b) A secure care facility shall:

267 (i) assess each juvenile offender to determine the juvenile offender's abilities,  
268 possible learning disabilities, interests, attitudes, and other attributes related to  
269 appropriate educational programs; and



270 (ii) provide prevocational education to juvenile offenders to acquaint juvenile  
271 offenders with vocations, and vocational requirements and opportunities.

272 (4)(a) The division shall place juvenile offenders who have been committed to the  
273 division for secure care in a secure care facility, operated by the division or by a  
274 private entity, that is appropriate to ensure that humane care and rehabilitation  
275 opportunities are afforded to the juvenile offender.

276 (b) The division shall have separate housing units for male individuals and female  
277 individuals in secure care facilities.

278 (5) The division shall adopt standards, policies, and procedures for the regulation and  
279 operation of secure care facilities, consistent with state and federal law.

280 Section 7. **Effective Date.**

281 This bill takes effect on May 7, 2025.