

Jen Plumb proposes the following substitute bill:

Substance Use Disorder Revisions

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Steve Eliason

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

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

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

30 **17-22-8 . Care of prisoners -- Funding of services -- Private contractor.**

- 31 (1) As used in this section, "medication assisted treatment plan" means a prescription plan
32 to use prescribed medication approved by the Food and Drug Administration, such as
33 buprenorphine, methadone, or naltrexone to treat substance use withdrawal symptoms or
34 an opioid use disorder.
- 35 (2) Except as provided in Subsection (7), a sheriff shall:
- 36 (a) receive each individual committed to jail by competent authority;
- 37 (b) provide each prisoner with necessary food, clothing, and bedding in the manner
38 prescribed by the county legislative body;
- 39 (c) provide each prisoner medical care when:
- 40 (i) the prisoner's symptoms evidence a serious disease or injury;
- 41 (ii) the prisoner's disease or injury is curable or may be substantially 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;
- 44 (d) provide each prisoner, as part of the intake process, with the option of continuing any
45 of the following medically prescribed methods of contraception:
- 46 (i) an oral contraceptive;
- 47 (ii) an injectable contraceptive;
- 48 (iii) a patch;
- 49 (iv) a vaginal ring; or
- 50 (v) an intrauterine device, if the prisoner was prescribed the intrauterine device
51 because the prisoner experiences serious and persistent adverse effects when using
52 the methods of contraception described in Subsections (2)(d)(i) and (ii);~~and~~
- 53 (e)(i) as part of the intake process, use an evidence-based screening tool to screen
54 each inmate for substance use disorders; and
- 55 (ii) use the results of the screening to assist with providing programming and
56 treatment options for the inmate; and
- 57 (f) cooperate with medical personnel to continue a medication assisted treatment plan for
58 an inmate if the inmate was an active client before arrest and commitment.
- 59 (3) A sheriff may provide the generic form of a contraceptive described in Subsection
60 (2)(d)(i) or (ii).
- 61 (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant or in
62 postpartum recovery, including the reporting requirements in Subsection 64-13-45(2)(c).
- 63 (5)(a) Except as provided in Section 17-22-10 and Subsection (5)(b), the expense

- 64 incurred in providing the services required by this section to prisoners shall be paid
 65 from the county treasury.
- 66 (b) The expense incurred in providing the services described in Subsection (2)(d) to
 67 prisoners shall be paid by the Department of Health and Human Services.
- 68 (6) A medication used for a medication assisted treatment plan under Subsection [~~(2)(e)~~]
 69 (2)(f):
- 70 (a) shall be administered to an inmate in accordance with the inmate's prescription under
 71 the direction of the sheriff;
- 72 (b) may be paid for by a county; and
- 73 (c) may be left or stored at a jail at the discretion of the sheriff.
- 74 (7) If the county executive contracts with a private contractor to provide the services
 75 required by this section, the sheriff shall provide only those services required of the
 76 sheriff by the contract between the county and the private contractor.

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

78 **17-22-32 . County jail reporting requirements.**

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

- 98 following entities:
- 99 (i) the Bureau of Indian Affairs;
- 100 (ii) a state prison;
- 101 (iii) a federal prison;
- 102 (iv) the United States Immigration and Customs Enforcement; and
- 103 (v) any other entity with which a county jail has entered a contract to house inmates
- 104 on the entity's behalf;
- 105 (e) the number of inmates that are denied pretrial release and held in the custody of the
- 106 county jail while the inmate awaited final disposition of the inmate's criminal charges;
- 107 (f) for each inmate booked into the county jail:
- 108 (i) the name of the agency that arrested the inmate;
- 109 (ii) the date and time the inmate was booked into and released from the custody of
- 110 the county jail;
- 111 (iii) if the inmate was released from the custody of the county jail, the reason the
- 112 inmate was released from the custody of the county jail;
- 113 (iv) if the inmate was released from the custody of the county jail on a financial
- 114 condition, whether the financial condition was set by a county sheriff or a court;
- 115 (v) the number of days the inmate was held in the custody of the county jail before
- 116 disposition of the inmate's criminal charges;
- 117 (vi) whether the inmate was released from the custody of the county jail before final
- 118 disposition of the inmate's criminal charges; and
- 119 (vii) the state identification number of the inmate;
- 120 (g) the number of in-custody deaths that occurred at the county jail;
- 121 (h) for each in-custody death:
- 122 (i) the name, gender, race, ethnicity, age, and known or suspected medical diagnosis
- 123 or disability, if any, of the deceased;
- 124 (ii) the date, time, and location of death;
- 125 (iii) the law enforcement agency that detained, arrested, or was in the process of
- 126 arresting the deceased; and
- 127 (iv) a brief description of the circumstances surrounding the death;
- 128 (i) the known, or discoverable on reasonable inquiry, causes and contributing factors of
- 129 each of the in-custody deaths described in Subsection (2)(g);
- 130 (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.
- 165 (4) The commission shall:

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

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

180 **Part 9. Inmate Health**

181 **26B-4-901 . Definitions.**

182 As used in this part:

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

198 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.