

Correctional Health Services Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor:

LONG TITLE**Committee Note:**

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 5 absent

General Description:

This bill addresses correctional health services.

Highlighted Provisions:

This bill:

- requires the Department of Health and Human Services (department) to contract for a new electronic health record system for inmate care, based on recommendations of a working group;
- provides that money appropriated to the department to pay for unanticipated high-cost correctional health expenses is non-lapsing;
- requires the department, in consultation with the Department of Corrections, to prepare and implement a plan for providing substance use disorder treatment to all inmates who suffer from a substance use disorder, and requires the Department of Corrections to cooperate with the department in providing medication assisted treatment in accordance with that plan;
- requires health care facilities that are owned or operated by the department to meet requirements for certain accreditation by the National Commission on Correctional Health Care;
- allows the Board of Pardons and Parole (board) to appoint a designated examiner and to consider designated examiners' reports when considering when and under what conditions an offender may be paroled, and allows the board to require assisted outpatient treatment as a condition of parole;
- defines terms; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-4-903, as enacted by Laws of Utah 2025, Chapter 112

63I-2-264, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

64-13-25.1, as enacted by Laws of Utah 2024, Chapter 266

64-13-39, as last amended by Laws of Utah 2023, Chapter 330

77-27-5, as last amended by Laws of Utah 2025, Chapters 476, 526

77-27-7, as last amended by Laws of Utah 2024, Chapters 144, 145

ENACTS:

26B-4-905, Utah Code Annotated 1953

26B-4-906, Utah Code Annotated 1953

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

Section 1. Section **26B-4-903** is amended to read:

26B-4-903 . Electronic health record system study.

- (1) On or before June 30, 2025, the department shall convene a working group to study and develop recommendations regarding the electronic health record system used in connection with providing inmates with comprehensive health care, including:
 - (a) identification of the department's electronic health record system requirements;
 - (b) an analysis of what features of an electronic health record system are needed to maximize the implementation, effectiveness, and efficiency of the waiver described in Section 26B-3-217; and
 - (c) a determination of whether the department's current electronic health record system meets the requirements and includes the features identified under Subsections (1)(a) and (b).
- (2) The working group described in Subsection (1) shall include department staff as determined by the director.
- (3) The working group shall provide recommendations regarding the electronic health record system to the Health and Human Services Interim Committee on or before the date of the committee's meeting in November 2025.
- (4) By no later than December 31, 2026, the department shall enter into a contract, in

65 accordance with Title 63G, Chapter 6a, Utah Procurement Code, for an electronic health
66 record system that meets the requirements and has the features identified in accordance
67 with Subsections (1)(a) and (b).

68 Section 2. Section **26B-4-905** is enacted to read:

69 **26B-4-905 . Nonlapsing funds.**

- 70 (1) Funds appropriated by the Legislature to the department for the purpose of paying for
71 unanticipated high-cost correctional health care:
72 (a) are nonlapsing; and
73 (b) may only be used to pay for health care costs that meet the definition of
74 unanticipated high-cost correctional health care.
75 (2) In any year that the department uses funds for the purpose described in Subsection (1),
76 the department shall provide a report to the Social Services Appropriations
77 Subcommittee and the Health and Human Services Interim Committee that includes:
78 (a) the amount expended; and
79 (b) the balance of unexpended funds appropriated to the department for unanticipated
80 high-cost correctional health care.

81 Section 3. Section **26B-4-906** is enacted to read:

82 **26B-4-906 . Treatment for substance use disorder.**

- 83 (1) The department, in consultation with the Department of Corrections, shall prepare and
84 implement a plan to provide, in accordance with current medical standards, substance
85 use disorder treatment to all inmates who suffer from a substance use disorder.
86 (2) The plan described in Subsection (1) shall include the use of medication assisted
87 treatment as medically necessary.
88 (3) The department shall consult and may contract with addiction specialists at the
89 Huntsman Mental Health Institute to prepare and implement the plan described in
90 Subsection (1).
91 (4) The department shall provide an annual report on the preparation and implementation of
92 the plan described in Subsection (1) to the Health and Human Services Interim
93 Committee on or before the date of the committee's August interim meeting.

94 Section 4. Section **63I-2-264** is amended to read:

95 **63I-2-264 . Repeal dates: Title 64.**

96 [Section] Subsection [64-13-25.1(4)] 64-13-25.1(5), regarding reporting on continuation
97 or discontinuation of a medication assisted treatment plan, is repealed July 1, 2026.

98 Section 5. Section **64-13-25.1** is amended to read:

64-13-25.1 . Medication assisted treatment plan.

- (1) As used in this section, "medication assisted treatment plan" means a prescription plan to use a medication, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or an opioid use disorder.
- (2) In collaboration with the Department of Health and Human Services the department may cooperate with medical personnel to continue a medication assisted treatment plan for an inmate who had an active medication assisted treatment plan within the last six months before being committed to the custody of the department.
- (3) The department shall cooperate with the Department of Health and Human Services and relevant medical personnel in providing medication assisted treatment in accordance with the substance use disorder plan described in Subsection 26B-4-906(1).
- ~~[(3)]~~ (4) A medication used for a medication assisted treatment plan under Subsection (2):
- (a) shall be an oral, short-acting medication unless the chief administrative officer or other medical personnel who is familiar with the inmate's medication assisted treatment plan determines that a long-acting, non-oral medication will provide a greater benefit to the individual receiving treatment;
 - (b) may be administered to an inmate under the direction of the chief administrative officer of the correctional facility;
 - (c) may, as funding permits, be paid for by the department or the Department of Health and Human Services; and
 - (d) may be left or stored at a correctional facility at the discretion of the chief administrative officer of the correctional facility.
- ~~[(4)]~~ (5) Before November 30 each year, the Department of Health and Human Services shall provide a report to the Health and Human Services Interim Committee that details, for each category, the number of individuals in the custody of the department who, in the preceding 12 months:
- (a) had an active medication assisted treatment plan within the six months preceding commitment to the custody of the department;
 - (b) continued a medication assisted treatment plan following commitment to the custody of the department; and
 - (c) discontinued a medication assisted treatment plan prior to, at the time of, or after commitment to the custody of the department and, as available, the type of medication discontinued and the reason for the discontinuation.
- Section 6. Section **64-13-39** is amended to read:

64-13-39 . Standards for health care facilities.

(1) As used in this section:

(a) "Covered health care facility" means a health care facility owned or operated by the department.

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

(2) All covered health care facilities[, as defined in Section 26B-2-201, owned or operated by the department] shall apply for and meet the requirements for accreditation by the National Commission [for] on Correctional Health Care.[The department shall begin the application process in a timely manner to facilitate accreditation of the health care facilities of the department on or before January 1, 1996. Inspections to ensure compliance and accreditation shall be conducted by staff of the national commission.]

(a) "Covered health care facility" means a health care facility owned or operated by the department.

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

(3) The accreditation described in Subsection (2) includes accreditation in:

(a) health services;

(b) mental health services; and

(c) opioid treatment programs.

(4) For any accreditation described in Subsection (3) for which a covered health care facility does not meet the requirements on or before the May 6, 2026, the covered health care facility shall apply for and meet the requirements for accreditation on or before December 31, 2027.

Section 7. Section 77-27-5 is amended to read:

77-27-5 . Board of Pardons and Parole authority.

(1)(a) Subject to this chapter and other laws of the state, and except for a conviction for treason or impeachment, the board shall determine by majority decision when and under what conditions an offender's conviction may be pardoned or commuted.

(b) The board shall determine by majority decision when and under what conditions an offender committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of the department, may:

(i) be released upon parole;

(ii) have a fine or forfeiture remitted;

(iii) have the offender's criminal accounts receivable remitted in accordance with

Section 77-32b-105 or 77-32b-106;

- 167 (iv) have the offender's payment schedule modified in accordance with Section
168 77-32b-103; or
- 169 (v) have the offender's sentence terminated.
- 170 (c) The board shall prioritize public safety when making a determination under
171 Subsection (1)(a) or (1)(b).
- 172 (d)(i) The board may sit together or in panels to conduct hearings.
- 173 (ii) The chair shall appoint members to the panels in any combination and in
174 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
175 Utah Administrative Rulemaking Act.
- 176 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 177 (iv) The chair of the board may designate the chair for any other panel.
- 178 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
179 an open session, the board may not:
- 180 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
181 receivable;
- 182 (B) release the offender on parole; or
- 183 (C) commute, pardon, or terminate an offender's sentence.
- 184 (ii) An action taken under this Subsection (1) other than by a majority of the board
185 shall be affirmed by a majority of the board.
- 186 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 187 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
188 shall be given to the offender.
- 189 (b) The county or district attorney's office responsible for prosecution of the case, the
190 sentencing court, and law enforcement officials responsible for the defendant's arrest
191 and conviction shall be notified of any board hearings through the board's website.
- 192 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
193 notified of original hearings and any hearing after that if notification is requested and
194 current contact information has been provided to the board.
- 195 (d)(i) Notice to the victim or the victim's representative shall include information
196 provided in Section 77-27-9.5, and any related rules made by the board under that
197 section.
- 198 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
199 reasonable for the lay person to understand.
- 200 (3)(a) A decision by the board is final and not subject for judicial review if the decision

is regarding:

- (i) a pardon, parole, commutation, or termination of an offender's sentence;
- (ii) restitution, the modification of an offender's payment schedule for restitution, or an order for costs; or
- (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.

(b) Deliberative processes are not public and the board is exempt from Title 52, Chapter 4, Open and Public Meetings Act, when the board is engaged in the board's deliberative process.

(c) Pursuant to Subsection 63G-2-103(25)(b)(xii), records of the deliberative process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

(d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.

(e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.

(4)(a) This chapter may not be construed as a denial of or limitation of the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment.

(b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.

(c) At the next session of the board, the board:

- (i) shall continue or terminate the respite or reprieve; or
- (ii) may commute the punishment or pardon the offense as provided.

(d) In the case of conviction for treason, the governor may suspend execution of the sentence until the case is reported to the Legislature at the Legislature's next session.

(e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.

(5)(a) In determining when, where, and under what conditions an offender serving a sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts receivable remitted, or have the offender's sentence commuted or terminated, the board shall:

- (i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;

- (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);
- (iii) consider information provided by the department regarding an offender's individual case action plan; and
- (iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be accomplished while the offender is imprisoned.
- (b) The board shall determine whether to remit an offender's criminal accounts receivable under this Subsection (5) in accordance with Section 77-32b-105 or 77-32b-106.
- (c) When determining when and under what conditions an offender serving a sentence may be paroled, the board may consider designated examiners' reports with Subsection 77-27-7(5)(b).
- (6) In determining whether parole may be terminated, the board shall consider:
- (a) the offense committed by the parolee; and
- (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- (7) For an offender placed on parole after December 31, 2018, the board shall terminate parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the requirements of the law.
- (8) The board may not rely solely on an algorithm or a risk assessment tool score in determining whether parole should be granted or terminated for an offender.
- (9) The board may intervene as a limited-purpose party in a judicial or administrative proceeding, including a criminal action, to seek:
- (a) correction of an order that has or will impact the board's jurisdiction; or
- (b) clarification regarding an order that may impact the board's jurisdiction.
- (10) A motion to intervene brought under Subsection (9)(a) shall be raised within 60 days after the day on which a court enters the order that impacts the board's jurisdiction.
- Section 8. Section 77-27-7 is amended to read:
- 77-27-7 . Parole or hearing dates -- Interview -- Hearings -- Report of licensed mental health professional -- Mental competency -- Report of designated examiner -- Rulemaking authority.**
- (1)(a) For an offender serving a sentence upon conviction of a felony or class A

269 misdemeanor offense, the board shall:

270 (i) within six months after the day on which the offender is committed to the custody
271 of the department, set a hearing date to establish the offender's release date or date
272 for rehearing; and

273 (ii) promptly notify the offender of the date described in Subsection (1)(a)(i).

274 (b)(i) The board may delay setting the hearing date described in Subsection (1)(a)(i)
275 if the offender has an additional pending criminal case at the time of the offender's
276 commitment to the custody of the department.

277 (ii) For purposes of Subsection (1)(b)(i), a pending criminal case includes:

278 (A) uncharged conduct that is being screened for prosecution, unless one year has
279 passed since the day on which the board was notified of the screening and no
280 charge has been filed within that time period; and

281 (B) charged conduct that has not reached resolution.

282 (c) If the board delays setting the hearing date as described in Subsection (1)(b), the
283 board shall set a hearing date no later than six months after the day on which the final
284 criminal case described in Subsection (1)(b) has been resolved.

285 (d)(i) If the board delays setting the hearing date as described in Subsection (1)(b),
286 the board shall establish and use a process to monitor the progress of the pending
287 criminal action by seeking or obtaining updates no less frequently than every six
288 months.

289 (ii) The board shall establish the process described in Subsection (1)(d)(i) by creating
290 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
291 Act.

292 (e) When determining the hearing date under Subsection (1)(a), the board shall consider:

293 (i) the type and severity of offenses;

294 (ii) prior criminal history;

295 (iii) criminogenic risk factors; and

296 (iv) evidence-based assessments.

297 (2)(a) Before reaching a final decision to release an offender under this chapter, the chair
298 shall cause the offender to appear before the board, the board's panel, or an appointed
299 hearing officer, who shall personally interview the offender to consider the offender's
300 fitness for release and verify as far as possible information furnished from other
301 sources.

302 (b) An offender may waive a personal appearance before the board.

(c)(i) An offender outside of the state shall, if ordered by the board, submit to a courtesy hearing to be held by the appropriate authority in the jurisdiction in which the offender is housed in lieu of an appearance before the board.

(ii) The offender shall be promptly notified in writing of the board's decision.

(3)(a) In the case of an offender convicted of violating or attempting to violate any of the provisions of Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404, 76-5-404.1, 76-5-404.3, or 76-5-405, the chair may appoint one or more licensed mental health professionals who shall examine the offender within six months prior to a hearing at which an original parole date is granted on any offense listed in this Subsection (3).

(b)(i) The licensed mental health professional shall report in writing the results of the examination to the board prior to the hearing.

(ii) The report of the appointed licensed mental health professional shall specifically address the question of the offender's current mental condition and attitudes as they relate to any danger the offender may pose to children or others if the offender is released on parole.

(4) A parolee may petition the board for termination of lifetime parole as provided in Section 76-3-202 in the case of a parolee convicted of a first degree felony violation, or convicted of attempting to violate Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1, 76-5-404.3, or 76-5-405, and released on parole before January 1, 2019.

(5)(a) In a case in which an offender's mental competency is questioned by the board, the chair may appoint one or more licensed mental health professionals to examine the offender and report in writing to the board, specifically addressing the issue of competency.

(b)(i) In a case in which the board has reason to believe that an offender may have a mental illness, as that term is defined in Section 26B-5-301, the chair may appoint two designated examiners, as that term is defined in Section 26B-5-301, each of which shall examine the offender and prepare a report that includes the designated examiner's determinations regarding whether:

(A) the offender has a mental illness;

(B) there is no appropriate less-restrictive alternative to including assisted outpatient treatment as a condition of parole; and

(C) the offender lacks the ability to engage in a rational decision-making process

337 regarding the acceptance of mental health treatment as demonstrated by
338 evidence of an inability to weigh the possible risks of accepting or rejecting
339 treatment, or the offender needs assisted outpatient treatment in order to
340 prevent relapse or deterioration that is likely to result in the offender posing a
341 substantial danger to self or others.

342 (ii) Based on the designated examiners' reports, the board may require assisted
343 outpatient treatment as a condition of parole for an offender with a mental illness.

344 (iii) If assisted outpatient treatment is ordered, failure to continue treatment, except
345 by agreement with the treatment provider and the board, is a basis for initiation of
346 parole violation hearings by the board.

347 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
348 board shall make rules governing:

349 (a) the hearing process;

350 (b) licensed mental health professional examinations;[~~and~~]

351 (c) designated examiner examinations; and

352 [~~(e)~~] (d) parolee petitions for termination of parole.

353 Section 9. **Effective Date.**

354 This bill takes effect on May 6, 2026.