

Tyler Clancy proposes the following substitute bill:

Substance Use Intervention Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill addresses substance use interventions in communities and for criminal justice involved individuals.

Highlighted Provisions:

This bill:

- authorizes jails to establish recovery housing pods and establishes minimum requirements;
- amends provisions related to the operation of a syringe exchange program, including to prohibit:
 - the distribution of drug paraphernalia other than syringes; and
 - the facilitation of the exchange of syringes in public parks;
- authorizes a justice court to create a Structured Treatment and Enforcement Pathway Supervision Program and establishes requirements;
 - authorizes courts to enter an off-limits order to enjoin an individual who has been charged with or convicted of a drug offense from entering the geographic area where that individual committed or is charged with committing the drug offense;
 - makes technical and conforming changes; and
 - defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-7-117, as last amended by Laws of Utah 2025, Chapter 243

77-20-205, as last amended by Laws of Utah 2025, Chapter 243

29 ENACTS:

30 **17-72-508**, Utah Code Annotated 1953

31 **78A-7-124**, Utah Code Annotated 1953

32 **78B-7-1301**, Utah Code Annotated 1953

33 **78B-7-1302**, Utah Code Annotated 1953

34

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

36 Section 1. Section **17-72-508** is enacted to read:

37 **17-72-508 . Recovery housing pod authorized.**

38 (1) As used in this section:

39 (a) "Local substance abuse authority" means a local substance abuse authority described
40 in Section 17-77-201.

41 (b) "Qualifying individual" means an individual who:

42 (i) is incarcerated in the county jail; and

43 (ii) has a substance use disorder as determined by a screening administered in
44 accordance with Subsection 17-72-501(2)(e).

45 (c) "Recovery housing pod" means a designated unit or number of beds within a county
46 jail dedicated to qualifying individuals who participate in a structured substance use
47 treatment program.

48 (2) A sheriff may establish a recovery housing pod in a county jail.

49 (3) Subject to the provisions of Subsection (5):

50 (a) the local substance abuse authority shall approve a recovery housing pod; and

51 (b) before approving a recovery housing pod, the local substance abuse authority shall
52 make a determination that the structured substance use treatment program is based on
53 best practices.

54 (4) A recovery housing pod that is established on or before May 5, 2026, is not subject to
55 the requirements of this section until July 1, 2029.

56 (5)(a) A local substance abuse authority may develop model standards and operational
57 guidelines for a structured substance use treatment program in a recovery housing
58 pod in a county jail based on best practices.

59 (b) A structured substance use treatment program that follows model standards and
60 operational guidelines that a local substance abuse authority develops as described in
61 Subsection (5)(a), is presumed to be based on best practices for purposes of the
62 determination described in Subsection (3)(b).

63 (6) A structured substance use treatment program may include:

64 (a) a structured daily routine including requiring qualifying individuals to:

65 (i) have assigned responsibilities;

66 (ii) attend group meetings;

67 (iii) complete work assignments;

68 (iv) attend educational programs; and

69 (v) participate in recovery-oriented programming;

70 (b) peer programing, including requiring qualifying participants to help lead, manage,
71 and maintain the culture and physical space of the recovery housing pod with the
72 guidance of staff;

73 (c) behavioral accountability where positive behavior is rewarded and negative behavior
74 is addressed through corrective feedback from peers and staff;

75 (d) promotion of self-discipline and mutual support where qualifying participants uphold
76 standards of conduct and support one another in personal development;

77 (e) phased progress in which qualifying participants advance through levels of
78 responsibility and opportunity based on merit and demonstrated behavioral growth;
79 and

80 (f) practical skill building, which may include:

81 (i) job training;

82 (ii) personal finance skill training;

83 (iii) interpersonal communication education; and

84 (iv) reentry planning.

85 (7)(a) Participation in a recovery housing pod is voluntary.

86 (b) A qualifying individual who participates in a recovery pod shall sign a written
87 agreement acknowledging the qualifying individual's commitment to the recovery
88 housing pod's structured substance use treatment program.

89 (8) A local substance abuse authority may contract with a third party to deliver the
90 substance use treatment program approved under this section.

91 Section 2. Section **26B-7-117** is amended to read:

92 **26B-7-117 . Syringe exchange and education.**

93 (1) As used in this section, "government entity" means the state or any county,
94 municipality, special district, special service district, or other political subdivision or
95 administrative unit of the state, an institution of higher education as defined in Section
96 53H-1-101, or a local education agency as defined in Section 53G-7-401.

97 (2) The following may operate a syringe exchange program in the state to prevent the
98 transmission of disease, reduce morbidity and mortality, and facilitate access to
99 treatment and recovery services among individuals who inject drugs, and those
100 individuals' contacts:

101 (a) a government entity, including:

102 (i) the department;

103 (ii) a local health department; or

104 (iii) a local substance abuse authority, as defined in Section 26B-5-101;

105 (b) a nongovernment entity, including:

106 (i) a nonprofit organization; or

107 (ii) a for-profit organization; or

108 (c) any other entity that complies with Subsections [(2) and (4)] (3) and (5).

109 [(2)] (3) An entity operating a syringe exchange program in the state:

110 (a) shall:

111 [(a)] (i) facilitate the exchange of an individual's used syringe for one or more new
112 syringes in sealed sterile packages;

113 [(b)] (ii) ensure that a recipient of a new syringe is given verbal and written
114 instruction on:

115 [(i)] (A) methods for preventing the transmission of blood-borne diseases,
116 including hepatitis C and human immunodeficiency virus; and

117 [(ii)] (B) options for obtaining:

118 [(A)] (I) services for the treatment of a substance use disorder;

119 [(B)] (II) testing for a blood-borne disease; and

120 [(C)] (III) an opiate antagonist, as that term is defined in Section 26B-4-501; and

121 [(e)] (iii) report annually to the department the following information about the
122 program's activities:

123 [(i)] (A) the number of individuals who have exchanged syringes;

124 [(ii)] (B) the number of used syringes exchanged for new syringes;

125 [(iii)] (C) the number of new syringes provided in exchange for used syringes;

126 [(iv)] (D) information the program provided to individuals about recovery and
127 treatment resources; and

128 [(v)] (E) of the individuals who have exchanged syringes, the number of
129 individuals who received services for the treatment of a substance use disorder
130 within 12 months of exchanging syringes[.] ; and

131 (b) may not distribute drug paraphernalia other than syringes, including:
132 (i) pipes;
133 (ii) straws; or
134 (iii) other items used to ingest controlled substances.

135 [3] (4) A person that is licensed by the department to provide residential treatment for a
136 substance use disorder shall include as part of the person's admissions materials a
137 question asking whether the individual seeking treatment has ever received services
138 from a syringe exchange program.

139 [4] (5) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
140 Administrative Rulemaking Act, as necessary or advisable to implement the provisions
141 of this section, including rules:

142 (a) specifying requirements for:

143 (i) syringe distribution;
144 (ii) data collection; and
145 (iii) the evaluation of an entity operating a syringe exchange program to ensure
146 compliance with applicable statutes and rules; and

147 (b) specifying how and when an entity operating a syringe exchange program shall make
148 the report required by Subsection [2](e) (3)(a)(iii).

149 [5] (6) An entity operating a syringe exchange program may not facilitate the exchange of
150 syringes at, on, or within 100 feet of, a homeless shelter, as that term is defined in
151 Section 35A-16-501, [or] at permanent supportive housing, or in public parks.

152 (7) Notwithstanding any other provision of this section, an entity that operates a syringe
153 exchange program may not facilitate the exchange of syringes on public property
154 without written authorization from the government entity that owns, operates, or has
155 jurisdiction over the property.

156 [6] (8)(a) The use of state funds to operate a syringe exchange program is prohibited.

157 (b) Nothing in this section should be construed to prohibit the use or distribution of
158 municipal, county, or federal funds in operating or financing a syringe exchange
159 program under this section.

160 Section 3. Section **77-20-205** is amended to read:

161 **77-20-205 . Pretrial release by a magistrate or judge.**

162 (1)(a) At the time that a magistrate issues a warrant of arrest, or finds there is probable
163 cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal
164 Procedure, the magistrate shall issue a temporary pretrial status order that:

165 (i) releases the individual on the individual's own recognizance during the time the
166 individual awaits trial or other resolution of criminal charges;
167 (ii) designates a condition, or a combination of conditions, to be imposed upon the
168 individual's release during the time the individual awaits trial or other resolution
169 of criminal charges; or
170 (iii) orders the individual be detained during the time the individual awaits trial or
171 other resolution of criminal charges, subject to the requirements of Subsection
172 (1)(c).

173 (b) At the time that a magistrate issues a summons, the magistrate may issue a temporary
174 pretrial status order that:

175 (i) releases the individual on the individual's own recognizance during the time the
176 individual awaits trial or other resolution of criminal charges; or
177 (ii) designates a condition, or a combination of conditions, to be imposed upon the
178 individual's release during the time the individual awaits trial or other resolution
179 of criminal charges, subject to the requirements of Subsection (1)(c).

180 (c)(i) Notwithstanding Subsection (1)(a) or (b), a magistrate shall issue a temporary
181 pretrial status order of detention under Subsection (1)(a)(iii) if the individual is
182 arrested for a felony offense and the magistrate finds:

183 (A) there is substantial evidence to support the individual's arrest for the felony
184 offense;

185 (B) the individual committed the felony offense while:

186 (I) the individual was on parole or probation for a conviction of a felony
187 offense; or

188 (II) the individual was released and awaiting trial on a previous charge for a
189 felony offense; and

190 (C) based on information reasonably available to the magistrate, the individual:

191 (I) is a habitual offender as defined in Section 77-18-102; or

192 (II) will be a habitual offender as defined in Section 77-18-102 if the individual
193 is convicted of the felony offense.

194 (ii) This Subsection (1)(c) does not limit or prohibit a magistrate's authority to detain
195 an individual who does not meet the requirements described in this Subsection
196 (1)(c).

197 (2)(a) Except as provided in Subsection (2)(b), the magistrate or judge shall issue a
198 pretrial status order at an individual's first appearance before the court.

199 (b) The magistrate or judge may delay the issuance of a pretrial status order at an
200 individual's first appearance before the court:
201 (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion
202 for pretrial detention as described in Section 77-20-206;
203 (ii) if a party requests a delay; or
204 (iii) if there is good cause to delay the issuance.

205 (c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection
206 (2)(b), the magistrate or judge shall extend the temporary pretrial status order until
207 the issuance of a pretrial status order.

208 (d) A request for a pretrial release that has not been fully presented to and ruled upon by
209 the magistrate or judge at an initial appearance does not constitute a pretrial detention
210 hearing under Section 77-20-206.

211 (3)(a) When a magistrate or judge issues a pretrial status order, the pretrial status order
212 shall:
213 (i) release the individual on the individual's own recognizance during the time the
214 individual awaits trial or other resolution of criminal charges;
215 (ii) designate a condition, or a combination of conditions, to be imposed upon the
216 individual's release during the time the individual awaits trial or other resolution
217 of criminal charges; or
218 (iii) subject to the requirements of Subsection (10), order the individual to be
219 detained during the time that individual awaits trial or other resolution of criminal
220 charges.

221 (b) In making a determination about pretrial release in a pretrial status order, the
222 magistrate or judge may not give any deference to a magistrate's decision in a
223 temporary pretrial status order.

224 (4) In making a determination about pretrial release, a magistrate or judge shall impose:
225 (a) only conditions of release that are reasonably available; and
226 (b) conditions of release that reasonably ensure:
227 (i) the individual's appearance in court when required;
228 (ii) the safety of any witnesses or victims of the offense allegedly committed by the
229 individual;
230 (iii) the safety and welfare of the public; and
231 (iv) that the individual will not obstruct, or attempt to obstruct, the criminal justice
232 process.

233 (5) Except as provided in Subsection (1)(c) or (6), a magistrate or judge may impose a
234 condition, or combination of conditions, for pretrial release that requires an individual to:
235 (a) not commit a federal, state, or local offense during the period of pretrial release;
236 (b) avoid contact with a victim of the alleged offense;
237 (c) avoid contact with a witness who:
238 (i) may testify concerning the alleged offense; and
239 (ii) is named in the pretrial status order;
240 (d) not consume alcohol or any narcotic drug or other controlled substance unless
241 prescribed by a licensed medical practitioner;
242 (e) submit to drug or alcohol testing;
243 (f) complete a substance abuse evaluation and comply with any recommended treatment
244 or release program;
245 (g) submit to electronic monitoring or location device tracking;
246 (h) participate in inpatient or outpatient medical, behavioral, psychological, or
247 psychiatric treatment;
248 (i) maintain employment or actively seek employment if unemployed;
249 (j) maintain or commence an education program;
250 (k) comply with limitations on where the individual is allowed to be located or the times
251 that the individual shall be, or may not be, at a specified location;
252 (l) comply with an off-limits order entered under Section 78B-7-1302;
253 [(l)] (m) comply with specified restrictions on personal associations, place of residence,
254 or travel;
255 [(m)] (n) report to a law enforcement agency, pretrial services program, or other
256 designated agency at a specified frequency or on specified dates;
257 [(n)] (o) comply with a specified curfew;
258 [(o)] (p) forfeit or refrain from possession of a firearm or other dangerous weapon;
259 [(p)] (q) if the individual is charged with an offense against a child, limit or prohibit
260 access to any location or occupation where children are located, including any
261 residence where children are on the premises, activities where children are involved,
262 locations where children congregate, or where a reasonable person would know that
263 children congregate;
264 [(q)] (r) comply with requirements for house arrest;
265 [(r)] (s) return to custody for a specified period of time following release for
266 employment, schooling, or other limited purposes;

267 [§] (t) remain in custody of one or more designated individuals who agree to:

268 (i) supervise and report on the behavior and activities of the individual; and

269 (ii) encourage compliance with all court orders and attendance at all required court

270 proceedings;

271 [(t)] (u) comply with a financial condition; or

272 [(t)] (v) comply with any other condition that is reasonably available and necessary to

273 ensure compliance with Subsection (4).

274 (6)(a) If a county or municipality has established a pretrial services program, the

275 magistrate or judge shall consider the services that the county or municipality has

276 identified as available in determining what conditions of release to impose.

277 (b) The magistrate or judge may not order conditions of release that would require the

278 county or municipality to provide services that are not currently available from the

279 county or municipality.

280 (c) Notwithstanding Subsection (6)(a), the magistrate or judge may impose conditions of

281 release not identified by the county or municipality so long as the condition does not

282 require assistance or resources from the county or municipality.

283 (7)(a) If the magistrate or judge determines that a financial condition, other than an

284 unsecured bond, is necessary to impose as a condition of release, the magistrate or

285 judge shall, when determining the amount of the financial condition, refer to the

286 financial condition schedule in Section 77-20-205.5 and consider the individual's risk

287 of failing to appear and ability to pay.

288 (b) If the magistrate or judge determines that a financial condition is necessary to impose

289 as a condition of release, and a county jail official fixed a financial condition for the

290 individual under Section 77-20-204, the magistrate or judge may not give any

291 deference to:

292 (i) the county jail official's action to fix a financial condition; or

293 (ii) the amount of the financial condition that the individual was required to pay for

294 pretrial release.

295 (c) If a magistrate or judge orders a financial condition as a condition of release, the

296 judge or magistrate shall set the financial condition at a single amount per case.

297 (8) In making a determination about pretrial release, the magistrate or judge may:

298 (a) rely upon information contained in:

299 (i) the indictment or information;

300 (ii) any sworn or probable cause statement or other information provided by law

301 enforcement;

302 (iii) a pretrial risk assessment;

303 (iv) an affidavit of indigency described in Section 78B-22-201.5;

304 (v) witness statements or testimony;

305 (vi) the results of a lethality assessment completed in accordance with Section

306 77-36-2.1; or

307 (vii) any other reliable record or source, including proffered evidence; and

308 (b) consider:

309 (i) the nature and circumstances of the offense, or offenses, that the individual was

310 arrested for, or charged with, including:

311 (A) whether the offense is a violent offense; and

312 (B) the vulnerability of a witness or alleged victim;

313 (ii) the nature and circumstances of the individual, including the individual's:

314 (A) character;

315 (B) physical and mental health;

316 (C) family and community ties;

317 (D) employment status or history;

318 (E) financial resources;

319 (F) past criminal conduct;

320 (G) history of drug or alcohol abuse; and

321 (H) history of timely appearances at required court proceedings;

322 (iii) the potential danger to another individual, or individuals, posed by the release of

323 the individual;

324 (iv) whether the individual was on probation, parole, or release pending an upcoming

325 court proceeding at the time the individual allegedly committed the offense or

326 offenses;

327 (v) the availability of:

328 (A) other individuals who agree to assist the individual in attending court when

329 required; or

330 (B) supervision of the individual in the individual's community;

331 (vi) the eligibility and willingness of the individual to participate in various treatment

332 programs, including drug treatment; or

333 (vii) other evidence relevant to the individual's likelihood of fleeing or violating the

334 law if released.

335 (9) The magistrate or judge may not base a determination about pretrial release solely:

336 (a) on the seriousness or type of offense that the individual is arrested for or charged
337 with, unless the individual is arrested for or charged with a capital felony; or

338 (b) on an algorithm or a risk assessment tool score.

339 (10) If the magistrate or judge issues an order [~~pursuant to~~ in accordance with Subsection [
340 77-20-205(3)(a)(iii)] (3)(a)(iii), the magistrate or judge shall make sufficiently detailed
341 findings of fact on the risk of substantial danger or flight from the court's jurisdiction to
342 enable a reviewing court to ensure that the magistrate's or judge's determination
343 reasonably considered all of the evidence presented to the court.

344 (11) An individual arrested for violation of a jail release agreement, or a jail release court
345 order, issued in accordance with Section 78B-7-802:

346 (a) may not be released before the individual's first appearance before a magistrate or
347 judge; and

348 (b) may be denied pretrial release by the magistrate or judge.

349 Section 4. Section **78A-7-124** is enacted to read:

350 **78A-7-124 . STEP Supervision Program -- Criteria for participation.**

351 (1) As used in this section:

352 (a) "Eligible offense" means a probation-eligible offense for which the court determines
353 substance use is a contributing factor.

354 (b) "Graduated sanction" means accountability measures and programs including:

355 (i) electronic supervision;

356 (ii) drug and alcohol testing;

357 (iii) day or evening reporting centers;

358 (iv) restitution centers;

359 (v) forfeiture of earned compliance credits;

360 (vi) rehabilitative interventions, including substance use treatment or mental health
361 treatment;

362 (vii) requirements to report to a supervision officer;

363 (viii) community service;

364 (ix) compulsory participation in a residential treatment facility; and

365 (x) short-term or intermittent incarceration.

366 (c) "Judicial Council" means the Judicial Council established by Utah Constitution,
367 Article VIII, Section 12.

368 (d) "Positive reinforcement" means incentives including:

369 (i) awarding of a certificate of achievement;
370 (ii) reducing reporting requirements;
371 (iii) deferring fees;
372 (iv) awarding earned compliance credits;
373 (v) removing supervision conditions, including home detention or curfew; and
374 (vi) opportunity to participate in mentorship programming.

375 (e) "Sexual offense" means:

376 (i) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses; or
377 (ii) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual
378 Exploitation.

379 (f) "STEP Supervision Program" means the Structured Treatment and Enforcement
380 Pathway Supervision Program that may be established under Subsection (2).

381 (g)(i) "Violent criminal offense" means any criminal offense involving violence or
382 physical harm or threat of violence or physical harm.

383 (ii) "Violent criminal offense" includes a domestic violence offense as that term is
384 defined in Section 77-36-1.

385 (2) A justice court in a county of the first or second class may establish a Structured
386 Treatment and Enforcement Supervision Program:

387 (a) with the approval of the Justice Council; and
388 (b) if sufficient local government resources exist to fund and operate the STEP
389 Supervision Program.

390 (3) A justice court that establishes a STEP Supervision Program under this section may
391 establish eligibility requirements for participation in the STEP Supervision Program that
392 are:

393 (a) not inconsistent with this section; and
394 (b) approved by the Judicial Council.

395 (4) A STEP Supervision Program shall include:

396 (a) graduated sanctions and positive reinforcement;
397 (b) requirements that an individual ordered to the STEP Supervision Program:
398 (i) maintain employment, maintain enrollment in educational programming, or
399 actively seek employment during the individual's participation in the STEP
400 Supervision Program, unless otherwise ordered by the justice court judge;
401 (ii) submit to regular and randomized drug and alcohol testing;
402 (iii) regularly report to a probation officer or other supervision officer as ordered by

the justice court judge; and

(iv) if indicated by a substance abuse assessment and evaluation, participate in a court-approved substance abuse treatment plan, which may include medication assisted treatment; and

(c) continuous judicial supervision using a cooperative approach with prosecuting attorneys, defense counsel, corrections, and substance abuse treatment services, as appropriate, to promote public safety, protect participants' due process rights, and integrate substance abuse treatment with justice system case processing.

(5)(a) Subject to Subsection (5)(b), a justice court may order an individual to the STEP Supervision Program if:

- (i) the individual has plead to, or been convicted of, an eligible offense;
- (ii) the individual meets other eligibility requirements the court establishes under a STEP Supervision Program as approved by the Judicial Council; and
- (iii) the individual:
 - (A) consents to participation in the STEP Supervision Program; and
 - (B) agrees to submit to graduated sanctions and positive reinforcement.

(b) An individual is ineligible for the STEP Supervision Program if the individual has pending charges, in a case in any court, of:

- (i) a violent criminal offense; or
- (ii) a sexual offense.

Section 5. Section **78B-7-1301** is enacted to read:

Part 13. Off-limits Order

78B-7-1301 . Definitions.

As used in this part:

(1) "Covered individual" means a drug offender or an individual who has been charged with a drug offense.

(2) "Drug" means a controlled substance as that term is defined in Section 58-37-2.

(3) "Drug offender" means an individual convicted of a drug offense.

(4) "Drug offense" means an act prohibited by the criminal provisions under Title 58.

Chapter 37, Utah Controlled Substances Act, Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act.

(5) "Off-limits order" means an order issued by a district court that enjoins a covered individual from entering or remaining in a public place.

437 (6) "Public place" means the same as that term is defined in Section 76-9-802.

438 Section 6. Section **78B-7-1302** is enacted to read:

439 **78B-7-1302 . Off-limits order -- Notice -- Penalties.**

440 (1)(a) A court with jurisdiction over a covered individual's drug offense may enter an
441 off-limits order enjoining a covered individual who is charged with or convicted of
442 committing a drug offense in a public place from entering or remaining in that public
443 place for up to one year.

444 (b) An off-limits order may allow a covered individual to enter the public place for
445 health or employment reasons, subject to conditions the court sets.

446 (c) A court may enter an off-limits order:

447 (i) in a nuisance action under Section 78B-6-1107;

448 (ii) as a condition of pretrial release of an individual awaiting trial for a drug offense;
449 or

450 (iii) as a condition of sentencing of a drug offender.

451 (2)(a) An off-limits order shall specifically describe the public place in the off-limits
452 order.

453 (b) The description of the public place shall define the perimeter of the geographic area
454 using street names and numbers.

455 (3) The court shall transmit a copy of an off-limits order entered under this section to the
456 Utah Criminal Justice Information System.

457 (4)(a) A covered individual who violates an off-limits order entered under this section is
458 guilty of a class A misdemeanor.

459 (b) A covered individual who willfully violates an off-limits order entered under this
460 section may also be found in contempt of court and subject to penalties under Title
461 78B, Chapter 6, Part 3, Contempt.

462 **Section 7. Effective Date.**

463 This bill takes effect on May 6, 2026.