

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

ENACTS:

17-72-508, Utah Code Annotated 1953

78A-7-124, Utah Code Annotated 1953

78B-7-1301, Utah Code Annotated 1953

78B-7-1302, Utah Code Annotated 1953

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

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

17-72-508 . Recovery housing pod authorized.

(1) As used in this section:

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

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

(i) is incarcerated in the county jail; and

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

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

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

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

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

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

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

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

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

- (6) A structured substance use treatment program may include:
- (a) a structured daily routine including requiring qualifying individuals to:
 - (i) have assigned responsibilities;
 - (ii) attend group meetings;
 - (iii) complete work assignments;
 - (iv) attend educational programs; and
 - (v) participate in recovery-oriented programming;
 - (b) peer programing, including requiring qualifying participants to help lead, manage, and maintain the culture and physical space of the recovery housing pod with the guidance of staff;
 - (c) behavioral accountability where positive behavior is rewarded and negative behavior is addressed through corrective feedback from peers and staff;
 - (d) promotion of self-discipline and mutual support where qualifying participants uphold standards of conduct and support one another in personal development;
 - (e) phased progress in which qualifying participants advance through levels of responsibility and opportunity based on merit and demonstrated behavioral growth;
and
 - (f) practical skill building, which may include:
 - (i) job training;
 - (ii) personal finance skill training;
 - (iii) interpersonal communication education; and
 - (iv) reentry planning.

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

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

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

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

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

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

- (2) The following may operate a syringe exchange program in the state to prevent the transmission of disease, reduce morbidity and mortality, and facilitate access to treatment and recovery services among individuals who inject drugs, and those individuals' contacts:
- (a) a government entity, including:
 - (i) the department;
 - (ii) a local health department; or
 - (iii) a local substance abuse authority, as defined in Section 26B-5-101;
 - (b) a nongovernment entity, including:
 - (i) a nonprofit organization; or
 - (ii) a for-profit organization; or
 - (c) any other entity that complies with Subsections ~~[(2) and (4)]~~ (3) and (5).
- ~~[(2)]~~ (3) An entity operating a syringe exchange program in the state:
- (a) shall:
 - ~~[(a)]~~ (i) facilitate the exchange of an individual's used syringe for one or more new syringes in sealed sterile packages;
 - ~~[(b)]~~ (ii) ensure that a recipient of a new syringe is given verbal and written instruction on:
 - ~~[(i)]~~ (A) methods for preventing the transmission of blood-borne diseases, including hepatitis C and human immunodeficiency virus; and
 - ~~[(ii)]~~ (B) options for obtaining:
 - ~~[(A)]~~ (I) services for the treatment of a substance use disorder;
 - ~~[(B)]~~ (II) testing for a blood-borne disease; and
 - ~~[(C)]~~ (III) an opiate antagonist, as that term is defined in Section 26B-4-501; and
 - ~~[(e)]~~ (iii) report annually to the department the following information about the program's activities:
 - ~~[(i)]~~ (A) the number of individuals who have exchanged syringes;
 - ~~[(ii)]~~ (B) the number of used syringes exchanged for new syringes;
 - ~~[(iii)]~~ (C) the number of new syringes provided in exchange for used syringes;
 - ~~[(iv)]~~ (D) information the program provided to individuals about recovery and treatment resources; and
 - ~~[(v)]~~ (E) of the individuals who have exchanged syringes, the number of individuals who received services for the treatment of a substance use disorder within 12 months of exchanging syringes~~[-]~~ ; and

(b) may not distribute drug paraphernalia other than syringes, including:

(i) pipes;

(ii) straws; or

(iii) other items used to ingest controlled substances.

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

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

(a) specifying requirements for:

(i) syringe distribution;

(ii) data collection; and

(iii) the evaluation of an entity operating a syringe exchange program to ensure compliance with applicable statutes and rules; and

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

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

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

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

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

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

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

(1)(a) At the time that a magistrate issues a warrant of arrest, or finds there is probable cause to support the individual's arrest under Rule 9 of the Utah Rules of Criminal 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.

- (b) The magistrate or judge may delay the issuance of a pretrial status order at an individual's first appearance before the court:
- (i) until a pretrial detention hearing is held if a prosecuting attorney makes a motion for pretrial detention as described in Section 77-20-206;
 - (ii) if a party requests a delay; or
 - (iii) if there is good cause to delay the issuance.
- (c) If a magistrate or judge delays the issuance of a pretrial status order under Subsection (2)(b), the magistrate or judge shall extend the temporary pretrial status order until the issuance of a pretrial status order.
- (d) A request for a pretrial release that has not been fully presented to and ruled upon by the magistrate or judge at an initial appearance does not constitute a pretrial detention hearing under Section 77-20-206.

(3)(a) When a magistrate or judge issues a pretrial status order, the pretrial status order shall:

- (i) release the individual on the individual's own recognizance during the time the individual awaits trial or other resolution of criminal charges;
- (ii) designate a condition, or a combination of conditions, to be imposed upon the individual's release during the time the individual awaits trial or other resolution of criminal charges; or
- (iii) subject to the requirements of Subsection (10), order the individual to be detained during the time that individual awaits trial or other resolution of criminal charges.

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

(4) In making a determination about pretrial release, a magistrate or judge shall impose:

- (a) only conditions of release that are reasonably available; and
- (b) conditions of release that reasonably ensure:
 - (i) the individual's appearance in court when required;
 - (ii) the safety of any witnesses or victims of the offense allegedly committed by the individual;
 - (iii) the safety and welfare of the public; and
 - (iv) that the individual will not obstruct, or attempt to obstruct, the criminal justice process.

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

267 ~~[(s)]~~ (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 ~~[(u)]~~ (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.

- (9) The magistrate or judge may not base a determination about pretrial release solely:
- (a) on the seriousness or type of offense that the individual is arrested for or charged with, unless the individual is arrested for or charged with a capital felony; or
 - (b) on an algorithm or a risk assessment tool score.
- (10) If the magistrate or judge issues an order [~~pursuant to~~] in accordance with Subsection [~~77-20-205(3)(a)(iii)~~] (3)(a)(iii), the magistrate or judge shall make sufficiently detailed findings of fact on the risk of substantial danger or flight from the court's jurisdiction to enable a reviewing court to ensure that the magistrate's or judge's determination reasonably considered all of the evidence presented to the court.
- (11) An individual arrested for violation of a jail release agreement, or a jail release court order, issued in accordance with Section 78B-7-802:
- (a) may not be released before the individual's first appearance before a magistrate or judge; and
 - (b) may be denied pretrial release by the magistrate or judge.

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

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

- (1) As used in this section:
- (a) "Eligible offense" means a probation-eligible offense for which the court determines substance use is a contributing factor.
 - (b) "Graduated sanction" means accountability measures and programs including:
 - (i) electronic supervision;
 - (ii) drug and alcohol testing;
 - (iii) day or evening reporting centers;
 - (iv) restitution centers;
 - (v) forfeiture of earned compliance credits;
 - (vi) rehabilitative interventions, including substance use treatment or mental health treatment;
 - (vii) requirements to report to a supervision officer;
 - (viii) community service;
 - (ix) compulsory participation in a residential treatment facility; and
 - (x) short-term or intermittent incarceration.
 - (c) "Judicial Council" means the Judicial Council established by Utah Constitution, Article VIII, Section 12.
 - (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

- 403 the justice court judge; and
- 404 (iv) if indicated by a substance abuse assessment and evaluation, participate in a
- 405 court-approved substance abuse treatment plan, which may include medication
- 406 assisted treatment; and
- 407 (c) continuous judicial supervision using a cooperative approach with prosecuting
- 408 attorneys, defense counsel, corrections, and substance abuse treatment services, as
- 409 appropriate, to promote public safety, protect participants' due process rights, and
- 410 integrate substance abuse treatment with justice system case processing.
- 411 (5)(a) Subject to Subsection (5)(b), a justice court may order an individual to the STEP
- 412 Supervision Program if:
- 413 (i) the individual has plead to, or been convicted of, an eligible offense;
- 414 (ii) the individual meets other eligibility requirements the court establishes under a
- 415 STEP Supervision Program as approved by the Judicial Council; and
- 416 (iii) the individual:
- 417 (A) consents to participation in the STEP Supervision Program; and
- 418 (B) agrees to submit to graduated sanctions and positive reinforcement.
- 419 (b) An individual is ineligible for the STEP Supervision Program if the individual has
- 420 pending charges, in a case in any court, of:
- 421 (i) a violent criminal offense; or
- 422 (ii) a sexual offense.

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

424 **Part 13. Off-limits Order**

425 **78B-7-1301 . Definitions.**

426 As used in this part:

- 427 (1) "Covered individual" means a drug offender or an individual who has been charged with
- 428 a drug offense.
- 429 (2) "Drug" means a controlled substance as that term is defined in Section 58-37-2.
- 430 (3) "Drug offender" means an individual convicted of a drug offense.
- 431 (4) "Drug offense" means an act prohibited by the criminal provisions under Title 58,
- 432 Chapter 37, Utah Controlled Substances Act, Title 58, Chapter 37b, Imitation Controlled
- 433 Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or
- 434 Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 435 (5) "Off-limits order" means an order issued by a district court that enjoins a covered
- 436 individual from entering or remaining in a public place.

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

Section 7. **Effective Date.**

This bill takes effect on May 6, 2026.