

28 None

29 **Other Special Clauses:**

30 **Ĥ→ [None] This bill provides a special effective date. ←Ĥ**

31 **Utah Code Sections Affected:**

32 **AMENDS:**

33 17-22-32, as enacted by Laws of Utah 2018, Chapter 437

34 58-1-111, as enacted by Laws of Utah 2016, Chapter 407

35 59-10-1111, as enacted by Laws of Utah 2016, Chapter 407

36 63I-1-262, as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347

37 64-13-45, as enacted by Laws of Utah 2018, Chapter 437

38 **ENACTS:**

39 58-17b-309.7, Utah Code Annotated 1953

40 62A-15-117, Utah Code Annotated 1953

41 63M-7-211, Utah Code Annotated 1953



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

44 Section 1. Section 17-22-32 is amended to read:

45 **17-22-32. County jail reporting requirements.**

46 (1) As used in this section:

47 (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
48 custody of a county jail.

49 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

50 (A) being transported for medical care; or

51 (B) receiving medical care outside of a county jail.

52 (b) "Inmate" means an individual who is processed or booked into custody or housed in
53 a county jail in the state.

54 (c) "Opiate" means the same as that term is defined in Section 58-37-2.

55 (2) [~~So that the state may oversee the inmate health care system, a~~] A county jail shall
56 submit a report to the Commission on Criminal and Juvenile Justice, created in Section
57 63M-7-201, before August 1 of each year that includes:

58 (a) the number of in-custody deaths that occurred during the preceding calendar year;

214 [~~(iv)~~] (vi) a tax credit under Subsections 59-10-1111(2) and (3) if the individual meets
 215 the requirements of Subsections (3) and (4).

216 [~~(7)~~] (9) (a) The division may issue a tax credit certificate to an individual under
 217 Subsection 59-10-1111(2) for no more than 10 taxable years after the date on which the
 218 individual resumed services under Subsection (3)(b)(ii).

219 (b) The division may issue a tax credit certificate to an individual under Subsections
 220 59-10-1111(3) [~~and (4)~~] through (6) for no more than 10 taxable years.

221 [~~(8)~~] (10) The division shall provide a copy of a tax credit certificate issued under this
 222 section to the individual and the State Tax Commission.

223 Section 3. Section **58-17b-309.7** is enacted to read:

224 **58-17b-309.7. Exemptions from licensure -- Opioid treatment program.**

225 (1) As used in this section:

226 (a) "Dispense" means to prepare, package, or label for subsequent use.

227 (b) "Nurse practitioner" means an individual who is licensed to practice as an advanced
 228 practice registered nurse under Chapter 31b, Nurse Practice Act.

229 (c) "Opioid treatment program" means a program or practitioner that is:

230 (i) engaged in opioid treatment of an individual using an opiate agonist medication;

231 (ii) registered under 21 U.S.C. Sec. 823(g)(1);

232 (iii) licensed by the Office of Licensing, within the Department of Human Services,
 233 created in Section 62A-2-103; and

234 (iv) certified by the Substance Abuse and Mental Health Services Administration in
 235 accordance with 42 C.F.R. 8.11.

236 (d) "Physician" means an individual licensed to practice as a physician or osteopath in
 237 this state under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic
 238 Medical Practice Act.

239 (e) "Physician assistant" means an individual who is licensed to practice as a physician
 240 assistant under Chapter 70a, Physician Assistant Act.

241 (f) "Practitioner" means a nurse practitioner, physician's assistant, or a registered nurse.

242 (g) "Registered nurse" means the same as that term is defined in Section 78B-3-403.

243 (2) A practitioner may dispense methadone at an opioid treatment program regardless
 244 of whether the practitioner is licensed to dispense methadone under this chapter if ~~H~~→ the
 244a practitioner ←~~H~~ :

245 (a) ~~H→~~ [the practitioner] ~~←H~~ is operating under the direction of a H→ [pharmacist; and]
 245a physician;

245b (b) dispenses the methadone under the direction of a pharmacist; and
 246 [~~(b)~~] (c) acts ←H in accordance with division rule.

247 (3) The division shall, in consultation with pharmacies, physicians, and practitioners
 248 who work in an opioid treatment program, make rules in accordance with Title 63G, Chapter 3,
 249 Utah Administrative Rulemaking Act, to establish guidelines under which a practitioner may
 250 dispense methadone to a patient in an opioid treatment program under this section.

251 Section 4. Section **59-10-1111** is amended to read:

252 **59-10-1111. Refundable tax credit for mental health practitioners and volunteer**
 253 **retired psychiatrists.**

254 (1) As used in this section:

255 (a) "Mental health therapist" means the same as that term is defined in Section
 256 58-1-111.

257 ~~[(a)]~~ (b) "Psychiatric mental health nurse practitioner" means the same as that term is
 258 defined in Section 58-1-111.

259 ~~[(b)]~~ (c) "Psychiatrist" means the same as that term is defined in Section 58-1-111.

260 (d) "Substance use disorder counselor" means the same as that term is defined in
 261 Section 58-1-111.

262 ~~[(e)]~~ (e) "Tax credit certificate" means a certificate issued by the Division of
 263 Occupational and Professional Licensing under Section 58-1-111 certifying that the claimant is
 264 entitled to a tax credit under this section.

265 ~~[(d)]~~ (f) "Volunteer retired psychiatrist" means the same as that term is defined in
 266 Section 58-1-111.

267 (2) A claimant who is a psychiatrist or a psychiatric mental health nurse practitioner
 268 and who submits a tax credit certificate issued by the Division of Occupational and
 269 Professional Licensing under Subsection 58-1-111(3), may claim a refundable tax credit:

270 (a) as provided in this section; and

271 (b) in the amount of \$10,000.

272 (3) A claimant who is a psychiatrist or a psychiatric mental health nurse practitioner
 273 and who submits a tax credit certificate under Subsection 58-1-111(4) may claim a refundable
 274 tax credit:

275 (a) as provided in this section; and

- 369 (c) knowledge gained relating to the provision of telehealth services in county jails;
- 370 (d) recommendations for the future use of telehealth services in county jails; and
- 371 (e) obstacles encountered in the provision of telehealth services in county jails.

372 Section 6. Section **63I-1-262** is amended to read:

373 **63I-1-262. Repeal dates, Title 62A.**

- 374 (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.
- 375 (2) Section 62A-3-209 is repealed July 1, 2023.
- 376 (3) Section 62A-4a-202.9 is repealed December 31, 2019.
- 377 (4) Section 62A-4a-213 is repealed July 1, 2019.
- 378 (5) Section 62A-15-114 is repealed December 31, 2021.
- 379 [~~(6) Subsection 62A-15-1101(7) is repealed July 1, 2018.~~]
- 380 (6) Section 62A-15-117 is repealed December 31, 2022.

381 Section 7. Section **63M-7-211** is enacted to read:

382 **63M-7-211. Inmate health care study -- Creation -- Membership -- Duties --**
383 **Reporting.**

384 (1) As used in this section:

385 (a) "Commission" means the Commission on Criminal and Juvenile Justice created in
386 Section 63M-7-201.

387 (b) "Correctional facility" means:

388 (i) a facility operated by or contracted with the Department of Corrections to house a
389 criminal offender in either a secure or nonsecure setting; or

390 (ii) a county jail.

391 (2) The commission shall create a committee to study:

392 (a) treatment provided to inmates in a county jail for substance use or mental health
393 disorders, including withdrawal from alcohol or other drugs;

394 (b) contraception provided to female inmates in correctional facilities;

395 (c) health care and treatment of pregnant inmates in correctional facilities; ~~and~~ ~~and~~

396 (d) body cavity searches of arrestees or inmates in correctional facilities ~~and~~ ~~and~~ ; and

396a (e) continuation of medication and mental health treatment for inmates who are
396b transferred from a county jail to the Department of Corrections. ~~and~~

397 (3) The committee shall consist of:

398 (a) a representative from the Division of Substance Abuse and Mental Health within
399 the Department of Human Services;

- 400 (b) a representative from a local substance abuse and mental health authority from:
 401 (i) a county of the first class, as classified in Section 17-50-501; and
 402 (ii) a county of the second, third, fourth, fifth, or sixth class, as classified in Section
 403 17-50-501;
 404 (c) a representative from the Department of Health;
 405 (d) a representative from the Utah Sheriff's Association;
 406 (e) a representative from the Statewide Association of Prosecutors of Utah;
 407 (f) a representative from the Utah Association of Counties;
 408 (g) a representative from the Utah Association of Criminal Defense Lawyers;
 409 (h) a physician actively engaged in correctional health care in a county jail from:
 410 (i) a county of the first class, as classified in Section 17-50-501; and
 411 (ii) a county of the second, third, fourth, fifth, or sixth class, as classified in Section
 412 17-50-501;
 413 (i) a psychiatric service provider actively engaged in correctional health care;
 414 (j) a district attorney or a county attorney actively engaged in the practice of civil or
 415 constitutional law from:
 416 (i) a county of the first class, as classified in Section 17-50-501; and
 417 (ii) a county of the second, third, fourth, fifth, or sixth class, as classified in Section
 418 17-50-501;
 419 (k) a representative from a community-based substance use treatment provider in the
 420 state;
 421 (l) a physician from a community-based health care facility that specializes in women's
 422 health; ~~H→~~ [and]
 422a (m) a representative from the Department of Corrections; ~~H→~~ [and]
 422b (n) a representative from an organization with expertise in civil rights or civil liberties
 422c of incarcerated individuals; and ~~←H~~
 423 [~~m~~] ~~H→~~ [~~m~~] (o) ~~←H~~ ~~←H~~ other stakeholders, as determined by the commission.
 424 (4) The committee shall:
 425 (a) survey existing policies, procedures, and protocols for:
 426 (i) treatment of an inmate in a county jail experiencing a substance use or mental health
 427 disorder, including withdrawal from alcohol or other drugs;
 428 (ii) providing contraception to a female inmate in a correctional facility;
 429 (iii) providing health care and treatment for a pregnant inmate in a correctional facility,
 430 including any restraints required during a pregnant inmate's labor and delivery; ~~H→~~ [and] ~~←H~~

431 (iv) a body cavity search of an arrestee or inmate in a correctional facility; ~~H→~~ and
 431a (v) providing medication and mental health treatment for inmates who are transferred
 431b from a county jail to the Department of Corrections. ←H

432 (b) based on the results of the survey under Subsection (4)(a), create model policies,
 433 procedures, and protocols relating to the items described in Subsections (4)(a)(i) through
 433a ~~H→~~ [(iv)] (v) ←H

434 that take the following into consideration:

435 (i) the needs and limitations of correctional health care, particularly in rural areas of the
 436 state;

437 (ii) evidence-based practices;

438 (iii) tools and protocols for substance use screening and assessment;

439 (iv) the transition of an inmate from treatment or health care in a correctional facility to
 440 community-based treatment or health care; and

441 (v) the needs of different correctional facility populations;

442 (c) develop training recommendations for correctional officers relating to:

443 (i) suicide prevention and behavioral health; and

444 (ii) body cavity searches; and

445 (d) develop practices and policies for correctional officers and law enforcement to
 446 administer a substance use screening to an inmate for alcohol or other drugs.

447 (5) Before November 30 of each year, the commission shall present a report of the
 448 committee's recommendations to the Law Enforcement and Criminal Justice Interim
 449 Committee.

450 Section 8. Section **64-13-45** is amended to read:

451 **64-13-45. Department reporting requirements.**

452 (1) As used in this section:

453 (a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the
 454 custody of the department.

455 (ii) "In-custody death" includes an inmate death that occurs while the inmate is:

456 (A) being transported for medical care; or

457 (B) receiving medical care outside of a correctional facility, other than a county jail.

458 (b) "Inmate" means an individual who is processed or booked into custody or housed in
 459 the department or a correctional facility other than a county jail.

460 (c) "Opiate" means the same as that term is defined in Section 58-37-2.

461 (2) [~~So that the state may oversee the inmate health care system, the~~] The department

462 shall submit a report to the Commission on Criminal and Juvenile Justice, created in Section
463 63M-7-201, before August 1 of each year that includes:

464 (a) the number of in-custody deaths that occurred during the preceding calendar year;

465 (b) the known, or discoverable on reasonable inquiry, causes and contributing factors
466 of each of the in-custody deaths described in Subsection (2)(a);

467 (c) the department's policy for notifying an inmate's next of kin after the inmate's
468 in-custody death;

469 (d) the department policies, procedures, and protocols:

470 (i) for treatment of an inmate experiencing withdrawal from alcohol or substance use,
471 including use of opiates; ~~and~~

472 (ii) ~~relating~~ that relate to the department's provision, or lack of provision, of
473 medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including
474 methadone and all forms of buprenorphine and naltrexone; and

475 (iii) that relate to screening, assessment, and treatment of an inmate for a substance use
476 disorder or mental health disorder; and

477 (e) any report the department provides or is required to provide under federal law or
478 regulation relating to inmate deaths.

479 (3) The Commission on Criminal and Juvenile Justice shall:

480 (a) compile the information from the reports described in Subsection (2);

481 (b) omit or redact any identifying information of an inmate in the compilation to the
482 extent omission or redaction is necessary to comply with state and federal law; and

483 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
484 Committee and the Utah Substance Use and Mental Health Advisory Council before November
485 1 of each year.

485a **H→ Section 9. Effective date.**

485b **The amendments to Sections 58-1-111 and 59-10-1111 take effect for a taxable year**
485c **beginning on or after January 1, 2020. ←H**