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

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

17-22-32. County jail reporting requirements.

(1) As used in this section:

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

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

(A) being transported for medical care; or

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

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

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

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

(a) the number of in-custody deaths that occurred during the preceding calendar year;
[iv] (vi) a tax credit under Subsections 59-10-1111(2) and (3) if the individual meets
the requirements of Subsections (3) and (4).

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

(2) A practitioner may dispense methadone at an opioid treatment program regardless
of whether the practitioner is licensed to dispense methadone under this chapter if the
practitioner
the practitioner is operating under the direction of a physician; and

(b) dispenses the methadone under the direction of a pharmacist; and

(c) acts in accordance with division rule.

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

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

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

(1) As used in this section:

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

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

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

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

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

(f) "Volunteer retired psychiatrist" means the same as that term is defined in Section 58-1-111.

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

(a) as provided in this section; and

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

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

(a) as provided in this section; and
knowledge gained relating to the provision of telehealth services in county jails; 
(d) recommendations for the future use of telehealth services in county jails; and 
(e) obstacles encountered in the provision of telehealth services in county jails.

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

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

(1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.
(2) Section 62A-3-209 is repealed July 1, 2023.
(3) Section 62A-4a-202.9 is repealed December 31, 2019.
(4) Section 62A-4a-213 is repealed July 1, 2019.
[[6) Subsection 62A-15-1101(7) is repealed July 1, 2018;]]

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

63M-7-211. Inmate health care study -- Creation -- Membership -- Duties --

Reporting.

(1) As used in this section:
(a) "Commission" means the Commission on Criminal and Juvenile Justice created in
Section 63M-7-201.
(b) "Correctional facility" means:
(i) a facility operated by or contracted with the Department of Corrections to house a
criminal offender in either a secure or nonsecure setting; or
(ii) a county jail.
(2) The commission shall create a committee to study:
(a) treatment provided to inmates in a county jail for substance use or mental health
disorders, including withdrawal from alcohol or other drugs;
(b) contraception provided to female inmates in correctional facilities;
(c) health care and treatment of pregnant inmates in correctional facilities;
(d) body cavity searches of arrestees or inmates in correctional facilities;
(e) continuation of medication and mental health treatment for inmates who are
transferred from a county jail to the Department of Corrections.

(3) The committee shall consist of:
(a) a representative from the Division of Substance Abuse and Mental Health within
the Department of Human Services;
(b) a representative from a local substance abuse and mental health authority from:
   (i) a county of the first class, as classified in Section 17-50-501; and
   (ii) a county of the second, third, fourth, fifth, or sixth class, as classified in Section 17-50-501;
(c) a representative from the Department of Health;
(d) a representative from the Utah Sheriff’s Association;
(e) a representative from the Statewide Association of Prosecutors of Utah;
(f) a representative from the Utah Association of Counties;
(g) a representative from the Utah Association of Criminal Defense Lawyers;
(h) a physician actively engaged in correctional health care in a county jail from:
   (i) a county of the first class, as classified in Section 17-50-501; and
   (ii) a county of the second, third, fourth, fifth, or sixth class, as classified in Section 17-50-501;
   (i) a psychiatric service provider actively engaged in correctional health care;
   (j) a district attorney or a county attorney actively engaged in the practice of civil or constitutional law from:
   (i) a county of the first class, as classified in Section 17-50-501; and
   (ii) a county of the second, third, fourth, fifth, or sixth class, as classified in Section 17-50-501;
(k) a representative from a community-based substance use treatment provider in the state;
(l) a physician from a community-based health care facility that specializes in women’s health;
(m) a representative from the Department of Corrections;
(n) a representative from an organization with expertise in civil rights or civil liberties of incarcerated individuals; and
other stakeholders, as determined by the commission.

(4) The committee shall:
   (a) survey existing policies, procedures, and protocols for:
   (i) treatment of an inmate in a county jail experiencing a substance use or mental health disorder, including withdrawal from alcohol or other drugs;
   (ii) providing contraception to a female inmate in a correctional facility;
   (iii) providing health care and treatment for a pregnant inmate in a correctional facility, including any restraints required during a pregnant inmate’s labor and delivery;
(iv) a body cavity search of an arrestee or inmate in a correctional facility; and
(v) providing medication and mental health treatment for inmates who are transferred from a county jail to the Department of Corrections.
(b) based on the results of the survey under Subsection (4)(a), create model policies, procedures, and protocols relating to the items described in Subsections (4)(a)(i) through (v) that take the following into consideration:
(i) the needs and limitations of correctional health care, particularly in rural areas of the state;
(ii) evidence-based practices;
(iii) tools and protocols for substance use screening and assessment;
(iv) the transition of an inmate from treatment or health care in a correctional facility to community-based treatment or health care; and
(v) the needs of different correctional facility populations;
(c) develop training recommendations for correctional officers relating to:
(i) suicide prevention and behavioral health; and
(ii) body cavity searches; and
(d) develop practices and policies for correctional officers and law enforcement to administer a substance use screening to an inmate for alcohol or other drugs.
(5) Before November 30 of each year, the commission shall present a report of the committee's recommendations to the Law Enforcement and Criminal Justice Interim Committee.
Section 8. Section 64-13-45 is amended to read:
64-13-45. Department reporting requirements.
(1) As used in this section:
(a) (i) "In-custody death" means an inmate death that occurs while the inmate is in the custody of the department.
(ii) "In-custody death" includes an inmate death that occurs while the inmate is:
(A) being transported for medical care; or
(B) receiving medical care outside of a correctional facility, other than a county jail.
(b) "Inmate" means an individual who is processed or booked into custody or housed in the department or a correctional facility other than a county jail.
(c) "Opiate" means the same as that term is defined in Section 58-37-2.
(2) [So that the state may oversee the inmate health care system, the] The department
shall submit a report to the Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, before August 1 of each year that includes:

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. Effective date.

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