

1 **SUBSTANCE USE AND HEALTH CARE AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad M. Daw**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies and enacts provisions relating to substance use, mental health
10 treatment, and health care.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies provisions requiring a county jail and the Department of Corrections to
15 report certain information to the Commission on Criminal and Juvenile Justice
16 regarding an inmate's death;
- 17 ▶ provides a refundable tax credit for certain practitioners who provide substance use
18 disorder treatment in a secure facility;
- 19 ▶ modifies provisions relating to licensing of a practitioner who dispenses certain
20 opiate agonists;
- 21 ▶ creates a telehealth substance use treatment pilot program to be conducted in a
22 county jail;
- 23 ▶ requires the Commission on Criminal and Juvenile Justice to convene a committee
24 to study certain health care and other services provided to inmates in a correctional
25 facility; and
- 26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

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;

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

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

63 (d) the county jail policies, procedures, and protocols:

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

66 (ii) ~~relating~~ that relate to the county jail's provision, or lack of provision, of
67 medications used to treat, mitigate, or address an inmate's symptoms of withdrawal, including
68 methadone and all forms of buprenorphine and naltrexone; and

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

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

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

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

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

77 (c) submit the compilation to the Law Enforcement and Criminal Justice Interim
78 Committee and the Utah Substance Use and Mental Health Advisory Council before November
79 1 of each year.

80 Section 2. Section **58-1-111** is amended to read:

81 **58-1-111. Tax credit certificate -- Mental health nurse practitioners --**

82 **Underserved populations.**

83 (1) As used in this section:

84 (a) "Average of 20 hours or more per week" means that the quotient calculated when
85 dividing the claimant's total hours providing licensed services, in-custody mental health
86 therapy, or in-custody substance use disorder treatment in the state during the taxable year by
87 the number of weeks in which the claimant is licensed in the state during the taxable year is
88 greater than or equal to 20.

89 ~~(a)~~ (b) "Average of 30 hours or more per week" means that the quotient calculated

90 when dividing the claimant's total hours providing licensed services, in-custody mental health
91 therapy, or in-custody substance use disorder treatment in the state during the taxable year by
92 the number of weeks in which the claimant is licensed in the state during the taxable year is
93 greater than or equal to 30.

94 (c) "In-custody mental health therapy" means the provision of behavioral health
95 treatment within the scope of practice of a mental health therapist in a secure facility in the
96 state.

97 (d) "In-custody substance use disorder treatment" means the provision of behavioral
98 health treatment within the scope of practice of a substance use disorder counselor in a secure
99 facility in the state.

100 ~~[(b)]~~ (e) "Licensed services" means the provision of behavioral health treatment in the
101 state ~~[and]~~ within the scope of practice of:

102 (i) a psychiatrist~~;~~;

103 (ii) a psychiatric mental health nurse practitioner~~;~~; or

104 (iii) a volunteer health practitioner.

105 (f) "Medication-assisted treatment" means treatment of a substance use disorder that
106 includes the use of a drug that is approved by the federal Food and Drug Administration for the
107 treatment of a substance use disorder in conjunction with behavioral health therapy.

108 (g) "Mental health therapist" means an individual who is licensed under Chapter 60,
109 Mental Health Professional Practice Act, for the practice of mental health therapy, as defined in
110 Section [58-60-102](#).

111 ~~[(e)]~~ (h) "Psychiatric mental health nurse practitioner" means an individual who:

112 (i) is licensed under Chapter 31b, Nurse Practice Act, for the practice of advanced
113 practice registered nursing, as ~~[that term is]~~ defined in Section [58-31b-102](#); and

114 (ii) holds a certification recognized by the American Nurses Credentialing Center of
115 the American Association of Colleges of Nursing as a psychiatric mental health nurse
116 practitioner.

117 ~~[(d)]~~ (i) "Psychiatrist" means an individual who:

118 (i) is licensed as a physician under:

119 (A) Chapter 67, Utah Medical Practice Act;

120 (B) Chapter 67b, Interstate Medical Licensure Compact; or

121 (C) Chapter 68, Utah Osteopathic Medical Practice Act; and
 122 (ii) is board eligible for a psychiatry specialization recognized by the American Board
 123 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
 124 Specialists.

125 (j) "Secure facility" means:

126 (i) a county jail;

127 (ii) a secure correctional facility as defined in Section 64-13-1; or

128 (iii) the Utah State Hospital, created in Section 62A-15-601.

129 (k) "Substance use disorder counselor" means an individual who is licensed under
 130 Chapter 60, Mental Health Professional Practice Act, to practice as a licensed advanced
 131 substance use disorder counselor, as defined in Section 58-60-502.

132 ~~(e)~~ (l) "Underserved population" means:

133 (i) an individual located in a county of the third, fourth, fifth, or sixth class, as
 134 ~~designated~~ classified in Section 17-50-501; or

135 (ii) a Native American Indian.

136 ~~(f)~~ (m) "Volunteer retired psychiatrist" means an individual:

137 (i) described in Subsection (1)~~(d)~~(i) who, during the calendar year, did not receive
 138 payment for providing licensed services; or

139 (ii) (A) licensed under Chapter 81, Retired Volunteer Health Practitioner Act; and

140 (B) previously or currently board certified in psychiatry.

141 (2) (a) An individual who seeks to obtain a state income tax credit under Subsections
 142 59-10-1111(2) through ~~(4)~~ (6) shall file an application with the division with respect to each
 143 taxable year in which the individual seeks a state income tax credit.

144 (b) An individual may qualify for a tax credit certificate under this section for no more
 145 than 10 taxable years for each tax credit.

146 (3) The application for a tax credit certificate under Subsection 59-10-1111(2) shall
 147 require the individual to provide the following to the division:

148 (a) the date on which the individual obtained a license and the specialization described
 149 in Subsection (1)~~(c)(ii)~~(h)(ii) or ~~(d)(ii)~~ (i)(ii);

150 (b) (i) an attestation that the individual was licensed on or after January 1, 2017, to
 151 provide licensed services; or

152 (ii) if the individual was licensed to provide licensed services prior to January 1, 2017,
153 an attestation:

154 (A) that the individual did not provide licensed services for the two calendar years
155 before the date the individual initially applied for the income tax credit under this subsection;
156 and

157 (B) the date on which the individual resumed providing licensed services in the state;
158 and

159 (c) other information as required by the division by administrative rule adopted in
160 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

161 (4) An application for a tax credit certificate under Subsection 59-10-1111(3) shall
162 require the individual to attest to the division:

163 (a) that the individual averaged 30 or more hours per week during the taxable year
164 providing licensed services;

165 (b) that the individual devoted 25% or more of the individual's total hours of licensed
166 services in the taxable year to an underserved population;

167 (c) the type of underserved population for which the individual provided services
168 during the taxable year; and

169 (d) other information as required by the division by administrative rule adopted in
170 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

171 (5) An application for a tax credit certificate under Subsection 59-10-1111(4) shall
172 require the individual to attest to the division:

173 (a) whether the individual is licensed under Subsection (1)~~(f)~~(m)(i) or (ii);

174 (b) that the individual did not receive payment during the calendar year for providing
175 licensed services;

176 (c) that during the calendar year, the individual provided at least 300 hours of licensed
177 services to an underserved population, the homeless population, or veterans without receiving
178 payment for providing the licensed services;

179 (d) a description of the type of population described in Subsection (5)(c) for which the
180 individual provided licensed services; and

181 (e) other information as required by the division by administrative rule adopted in
182 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

183 (6) An application for a tax credit certificate under Subsection 59-10-1111(5) shall
184 require the individual to attest to the division:

185 (a) that the individual averaged 30 hours or more per week during the taxable year
186 providing in-custody mental health therapy;

187 (b) a list of each secure facility in which the individual provided in-custody mental
188 health therapy during the taxable year; and

189 (c) other information as required by the division by administrative rule adopted in
190 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

191 (7) An application for a tax credit certificate under Subsection 59-10-1111(6) shall
192 require the individual to attest to the division:

193 (a) that the individual averaged 20 hours or more per week during the taxable year
194 providing in-custody substance use disorder treatment;

195 (b) if used, a description of the type of medication-assisted treatment used by the
196 individual in providing the in-custody substance use disorder treatment;

197 (c) a list of each secure facility in which the individual provided the substance use
198 disorder treatment during the taxable year; and

199 (d) other information as required by the division by administrative rule adopted in
200 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

201 ~~[(6)]~~ (8) (a) The division shall issue a tax credit certificate in accordance with this
202 subsection.

203 (b) The tax credit certificate may state that an individual is entitled to:

204 (i) a tax credit under Subsection 59-10-1111(2) if the individual meets the
205 requirements of Subsection (3);

206 (ii) a tax credit under Subsection 59-10-1111(3) if the individual meets the
207 requirements of Subsection (4);

208 (iii) a tax credit under Subsection 59-10-1111(4) if the individual meets the
209 requirements of Subsection (5); ~~[or]~~

210 (iv) a tax credit under Subsection 59-10-1111(5) if the individual meets the
211 requirements of Subsection (6);

212 (v) a tax credit under Subsection 59-10-1111(6) if the individual meets the
213 requirements of Subsection (7); or

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:

- 245 (a) the practitioner is operating under the direction of a pharmacist; and
- 246 (b) 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 ~~[(f)]~~ (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

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

277 (4) A claimant who is a volunteer retired psychiatrist and who submits a tax credit
278 certificate under Subsection 58-1-111(5) may claim a refundable tax credit:

279 (a) as provided in this section; and

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

281 (5) A claimant who is a mental health therapist and who submits a tax credit certificate
282 under Subsection 58-1-111(6) may claim a refundable tax credit:

283 (a) as provided in this section; and

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

285 (6) A claimant who is a substance use disorder counselor and who submits a tax credit
286 certificate under Subsection 58-1-111(7) may claim a refundable tax credit:

287 (a) as provided in this section; and

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

289 ~~[(5)]~~ (7) A claimant may claim a tax credit under Subsections (2) through ~~[(4)]~~ (6) for
290 no more than 10 taxable years for each tax credit.

291 ~~[(6)]~~ (8) (a) In accordance with any rules prescribed by the commission under
292 Subsection ~~[(6)]~~ (8)(b), the commission shall make a refund to a claimant who claims a tax
293 credit under this section if the amount of the tax credit exceeds the claimant's tax liability for
294 the taxable year.

295 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
296 commission may make rules providing procedures for making a refund to a claimant as
297 required by Subsection ~~[(6)]~~ (8)(a).

298 Section 5. Section 62A-15-117 is enacted to read:

299 **62A-15-117. Telehealth substance use treatment pilot program.**

300 (1) As used in this section:

301 (a) "Grant" means a grant awarded by the division under this section to a county jail to
302 develop and implement a project.

303 (b) "Project" means a telehealth pilot project for which the division awards a grant.

304 (c) "Rural county" means a county of the second, third, fourth, fifth, or sixth class, as
305 classified in Section 17-50-501.

306 (d) "Telehealth services" means mental health care services or substance use disorder

307 treatment provided remotely through the use of telecommunications technology.

308 (2) (a) On or before July 1, 2019, the division shall issue a project proposal request in
309 accordance with this section to award a grant to one or more county jails to develop and
310 implement a project.

311 (b) An application for a project described in this Subsection (2) shall be submitted
312 jointly by:

313 (i) a rural county jail;

314 (ii) a local substance abuse and mental health authority; and

315 (iii) a provider of telehealth services.

316 (c) The division shall award all grants under this section before December 31, 2019.

317 (d) A project shall run for two years.

318 (3) The purpose of a project is to:

319 (a) determine how telehealth services can be used in the state to:

320 (i) increase access to mental health and substance use treatment services to an inmate
321 in a county jail located in a rural area of the state;

322 (ii) reduce the number of deaths in a county jail due to suicide or withdrawal
323 symptoms;

324 (iii) reduce the number of overdose deaths of inmates with a substance use disorder
325 after release from a county jail; and

326 (iv) reduce the cost associated with providing mental health and substance use
327 treatment to an inmate in a rural county jail; and

328 (b) identify methods of using telehealth services to provide mental health and
329 substance use treatment services to an inmate in a rural county jail.

330 (4) An application for a grant under this section shall:

331 (a) identify the inmate population to which the county jail will provide telehealth
332 services;

333 (b) identify the type of telehealth services that the county jail will provide;

334 (c) explain how the inmate population described in Subsection (4)(a) will benefit from
335 the provision of telehealth services;

336 (d) provide details regarding:

337 (i) how the county jail plans to provide telehealth services;

338 (ii) how the proposed project will ensure that consideration is given to the capacity and
339 availability of the county jail and community health care resources;

340 (iii) how the county jail, telehealth service provider, and local mental health and
341 substance abuse authority will coordinate to ensure timely and effective provision of telehealth
342 services;

343 (iv) the projected costs of the proposed project;

344 (v) the sustainability of the proposed project; and

345 (vi) the methods the proposed project will use to:

346 (A) protect the privacy of each county jail inmate who participates in the proposed
347 project;

348 (B) collect nonidentifying data relating to the proposed project; and

349 (C) provide transparency on the costs and operation of the proposed project; and

350 (e) provide other information requested by the division to ensure that the proposed
351 project satisfies the criteria described in Subsection (5).

352 (5) In evaluating an application for the grant, the division shall consider:

353 (a) the extent to which the proposed project will fulfill the purposes described in
354 Subsection (3);

355 (b) the extent to which the inmate population to be served by the proposed project is
356 likely to benefit from the proposed project;

357 (c) the cost of the proposed project;

358 (d) the viability and innovation of the proposed project; and

359 (e) the extent to which the proposed project will yield useful data to evaluate the
360 effectiveness of the proposed project.

361 (6) Before June 30, 2020, the division shall report to the Law Enforcement and
362 Criminal Justice Interim Committee regarding:

363 (a) each county jail that is part of a project; and

364 (b) the details and duration of each project.

365 (7) Before June 30, 2022, the division shall report to the Law Enforcement and
366 Criminal Justice Interim Committee regarding:

367 (a) the outcomes of each project;

368 (b) data gathered in relation to each project;

- 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

396 (d) body cavity searches of arrestees or inmates in correctional facilities.

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; and
- 423 (m) 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; and

- 431 (iv) a body cavity search of an arrestee or inmate in a correctional facility;
 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 (iv)
 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.