

JAIL DRUG TREATMENT PROGRAM

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a pilot program to provide treatment to incarcerated individuals who are addicted to certain substances.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a pilot program to administer a schedule of Naltrexone to certain individuals who suffer from alcohol or opiate addiction;
- ▶ provides that the Commission on Criminal and Juvenile Justice shall administer the program; and
- ▶ provides minimum standards with which the selected county is to comply when implementing the pilot program.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-263, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469

ENACTS:



28 **63M-7-211**, Utah Code Annotated 1953



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

31 Section 1. Section **63I-2-263** is amended to read:

32 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

33 (1) On July 1, 2020:

34 (a) Subsection **63A-3-403(5)(a)(i)** is repealed; and

35 (b) in Subsection **63A-3-403(5)(a)(ii)**, the language that states "appointed on or after
36 May 8, 2018," is repealed.

37 (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
38 repealed July 1, 2020.

39 (3) Section **63H-7a-303** is repealed on July 1, 2022.

40 (4) On July 1, 2019:

41 (a) in Subsection **63J-1-206(2)(c)(i)**, the language that states " Subsection(2)(c)(ii) and"
42 is repealed; and

43 (b) Subsection **63J-1-206(2)(c)(ii)** is repealed.

44 (5) Section **63J-4-708** is repealed January 1, 2023.

45 (6) Section **63M-7-211**, regarding the Drug Jail Treatment Program, is repealed
46 December 31, 2025.

47 [~~6~~] (7) Subsection **63N-3-109(2)(f)(i)(B)** is repealed July 1, 2020.

48 [~~7~~] (8) Section **63N-3-110** is repealed July 1, 2020.

49 Section 2. Section **63M-7-211** is enacted to read:

50 **63M-7-211. Jail Drug Treatment Program.**

51 (1) As used in this section, "federally qualified health center" means the same as that
52 term is defined in 42 U.S.C. Sec. 1395x.

53 (2) There is created the County Jail Drug Treatment Pilot Program for the purpose of
54 providing Naltrexone treatment to assist in treating individuals who are or were recently
55 incarcerated at a county jail to overcome alcohol or opiate addiction.

56 (3) The pilot program begins on July 1, 2020, and ends on June 30, 2025.

57 (4) A county with a population of 150,000 or less is eligible to apply to participate in
58 the pilot program if:

- 59 (a) a federally qualified health center is located within the county;
60 (b) one or more federally qualified health centers located in the county agree to
61 participate in the pilot program in conjunction with the county; and
62 (c) the county jail within the county has access to a health professional licensed to draw
63 blood, administer prescription drugs by injection, and offer medical advice.
- 64 (5) To participate in the pilot program, a county shall submit a written application to
65 the Commission on Criminal and Juvenile Justice no later than April 1, 2019, that includes
66 contact information for the individuals who will oversee and implement the pilot program:
- 67 (a) at the county;
68 (b) at the county jail; and
69 (c) at the federally qualified health facility.
- 70 (6) The Commission on Criminal and Juvenile Justice shall choose one county to
71 participate in the pilot program and shall oversee that county's implementation of the pilot
72 program to ensure compliance with this section.
- 73 (7) An individual incarcerated at the participating county jail may elect to receive
74 Naltrexone treatment under the pilot program, if:
- 75 (a) the individual suffers an alcohol or opiate addiction;
76 (b) the individual is of sufficient health to receive a schedule of Naltrexone treatments,
77 as determined by a qualified health professional; and
78 (c) the individual is currently incarcerated at the participating county jail and the
79 county jail will have adequate time to screen and advise the individual, in accordance with
80 Subsection (9), before the county jail releases the individual from incarceration.
- 81 (8) The schedule of Naltrexone treatments shall, to the extent medically advisable,
82 consist of:
- 83 (a) one injection administered by a medical professional employed by the participating
84 county jail within seven days before the day on which the county jail releases the individual
85 from incarceration; and
86 (b) five additional injections, to be administered by a medical professional employed
87 by the designated federally qualified health center, on a monthly basis following the
88 individual's release from incarceration.
- 89 (9) Before the first injection, a medical professional employed by the participating

90 county jail shall:

91 (a) assess the individual's health to ensure the drug treatment is safe for the individual;

92 and

93 (b) fully advise the individual of all potential side effects and risks associated with the

94 drug treatment.

95 (10) (a) The participating individual shall agree to:

96 (i) attend a monthly appointment at the designated federally qualified health center to

97 receive a Naltrexone injection, for five consecutive months; and

98 (i) attend counseling as ordered by the court.

99 (b) Violation of the agreement described in Subsection (10)(a) may result in

100 disqualification from participation in the pilot project.

101 (11) If practicable, the participating county shall provide a case worker to oversee and

102 assist the individuals participating in the pilot program.