

JAIL DRUG TREATMENT PILOT PROGRAM

2020 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 Naltrexone treatment 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 qualifications for a county or an individual seeking to participate in the 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 2019, Chapters 182, 240, 246, 325, 370, and 483



28 ENACTS:

29 **63M-7-213**, Utah Code Annotated 1953



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

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

33 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

34 (1) On July 1, 2020:

35 (a) Subsection **63A-1-203(5)(a)(i)** is repealed; and

36 (b) in Subsection **63A-1-203(5)(a)(ii)**, the language that states "appointed on or after
37 May 8, 2018," is repealed.

38 (2) Sections **63C-4a-307** and **63C-4a-309** are repealed January 1, 2020.

39 (3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
40 repealed July 1, 2020.

41 (4) The following sections regarding the World War II Memorial Commission are
42 repealed on July 1, 2020:

43 (a) Section **63G-1-801**;

44 (b) Section **63G-1-802**;

45 (c) Section **63G-1-803**; and

46 (d) Section **63G-1-804**.

47 (5) In relation to the State Fair Park Committee, on January 1, 2021:

48 (a) Section **63H-6-104.5** is repealed; and

49 (b) Subsections **63H-6-104(8)** and **(9)** are repealed.

50 (6) Section **63H-7a-303** is repealed on July 1, 2022.

51 (7) In relation to the Employability to Careers Program Board, on July 1, 2022:

52 (a) Subsection **63J-1-602.1(52)** is repealed;

53 (b) Subsection **63J-4-301(1)(h)**, related to the review of data and metrics, is repealed;

54 and

55 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

56 (8) Section **63J-4-708** is repealed January 1, 2023.

57 (9) Section **63M-7-211** is repealed December 31, 2026.

58 Section 2. Section **63M-7-213** is enacted to read:

59 **63M-7-213. County Jail Drug Treatment Pilot Program.**

60 (1) As used in this section:

61 (a) "Federally qualified health center" means the same as that term is defined in 42
62 U.S.C. Sec. 1395x.

63 (b) "Commission" means the Commission on Criminal and Juvenile Justice created in
64 Section 63M-7-203.

65 (c) "Program" means the County Jail Drug Treatment Pilot Program created in this
66 section.

67 (2) There is created the County Jail Drug Treatment Pilot Program for the purpose of
68 providing Naltrexone treatment to individuals who are or were recently incarcerated at a county
69 jail.

70 (3) (a) The commission shall administer the program in accordance with this section.

71 (b) The commission may, upon application by a county in accordance with Subsection
72 (4), approve the county to participate in the program if:

73 (i) the county has a population of 150,000 or less;

74 (ii) a federally qualified health center is located within the county;

75 (iii) one or more federally qualified health centers located in the county agree to
76 participate in the program in conjunction with the county; and

77 (iv) the county jail within the county has access to a health professional licensed to
78 draw blood, administer prescription drugs by injection, and offer medical advice.

79 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
80 commission shall establish a process by which the commission:

81 (i) reviews and approves an application for participation in the program;

82 (ii) coordinates with one or more Naltrexone providers to assist participating counties
83 in obtaining Naltrexone;

84 (iii) applies for grants that provide funding to support the administration of Naltrexone
85 to current or former qualifying inmates; and

86 (iv) oversees the administration of the program.

87 (4) To participate in the program, a county shall submit an application to the
88 commission no later than April 1, 2021, that includes:

89 (a) contact information for the individuals who will oversee and implement the

90 program at:

91 (i) the county;

92 (ii) the county jail; and

93 (iii) the federally qualified health facility; and

94 (b) the application materials required by the commission.

95 (5) An individual incarcerated at a county jail in a participating county may elect to
96 receive Naltrexone treatment under the program, if the individual:

97 (a) suffers an alcohol or opiate addiction;

98 (b) is of sufficient health to receive Naltrexone treatment, as determined by a qualified
99 health professional; and

100 (c) is currently incarcerated at the county jail and the county jail will have adequate
101 time to screen and advise the individual, in accordance with Subsection (7), before the county
102 jail releases the individual from incarceration.

103 (6) The Naltrexone treatment described in Subsection (5)(b) shall, to the extent
104 medically advisable, consist of:

105 (a) one injection administered at the county jail by a health professional, licensed as
106 described in Subsection (3)(b)(iv), within seven days before the day on which the county jail
107 releases the individual from incarceration; and

108 (b) five additional injections administered by a health professional, licensed as
109 described in Subsection (3)(b)(iv) and employed by a federally qualified health center, on a
110 monthly basis following the individual's release from incarceration.

111 (7) Before the first injection described in Subsection (6)(a), a health professional who
112 is licensed as described in Subsection (3)(b)(iv), shall:

113 (a) assess the individual's health to ensure the Naltrexone treatment is safe for the
114 individual; and

115 (b) fully advise the individual of all potential side effects and risks associated with the
116 Naltrexone treatment.

117 (8) (a) Before an individual receives the Naltrexone treatment under the program, the
118 individual shall agree to:

119 (i) attend a monthly appointment at a designated federally qualified health center to
120 receive a Naltrexone injection for five consecutive months; and

121 (ii) attend counseling as ordered by the court.

122 (b) A violation of the agreement described in Subsection (8)(a) may disqualify the
123 individual from participation in the program.

124 (9) If practicable, the participating county shall provide a case worker to oversee and
125 assist the individuals participating in the program.

126 (10) Naltrexone treatment administered under this program shall be funded or provided
127 by:

128 (a) available federal funding or grants;

129 (b) grants of Naltrexone provided by a non-governmental organization;

130 (c) an individual receiving Naltrexone treatment, through the individual's independent
131 financing or the individual's health benefit plan, as defined in Section [31A-1-301](#); or

132 (d) any other governmental or non-governmental organization that provides funding
133 for:

134 (i) treatment to an individual participating in the program; or

135 (ii) the program generally.

136 (11) The program begins on July 1, 2021, and ends on December 30, 2026.