

Representative Carol Spackman Moss proposes the following substitute bill:

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 Utah Division of Substance Abuse and Mental Health 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:



26 **63I-2-262**, as last amended by Laws of Utah 2019, Chapters 136 and 440

27 ENACTS:

28 **62A-15-118**, Utah Code Annotated 1953

29

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

30 Section 1. Section **62A-15-118** is enacted to read:

31 **62A-15-118. County Jail Drug Treatment Pilot Program.**

32 (1) As used in this section:

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

35 (b) "Division" means the Division of Substance Abuse and Mental Health.

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

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

41 (3) (a) The division shall administer the program in accordance with this section.

42 (b) The division may, upon application by a county in accordance with Subsection (4),
43 approve the county to participate in the program if:

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

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

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

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

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

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

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

55 (iii) applies for grants that provide funding to support the administration of Naltrexone
56

57 to current or former qualifying inmates; and

58 (iv) oversees the administration of the program.

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

61 (a) contact information for the individuals who will oversee and implement the
62 program at:

63 (i) the county;

64 (ii) the county jail; and

65 (iii) the federally qualified health facility; and

66 (b) the application materials required by the division.

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

69 (a) suffers an alcohol or opiate addiction;

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

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

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

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

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

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

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

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

88 Naltrexone treatment.

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

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

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

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

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

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

100 (a) available federal funding or grants;

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

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

104 (d) any other governmental or non-governmental organization that provides funding
105 for:

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

107 (ii) the program generally.

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

109 Section 2. Section **63I-2-262** is amended to read:

110 **63I-2-262. Repeal dates -- Title 62A.**

111 (1) Subsection [62A-5-103.1](#)(6) is repealed January 1, 2023.

112 (2) Section [63A-15-118](#) is repealed December 31, 2026.