

# HB0102S01 compared with HB0102

{deleted text} shows text that was in HB0102 but was deleted in HB0102S01.

inserted text shows text that was not in HB0102 but was inserted into HB0102S01.

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Senator Luz Escamilla proposes the following substitute bill:

## CONTRACEPTION FOR INMATES

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: { } Luz Escamilla

Cosponsors:

Gay Lynn Bennion

Joel K. Briscoe

Sandra Hollins

Brian S. King

Karen Kwan

Rosemary T. Lesser

Ashlee Matthews

Carol Spackman Moss

Doug Owens

Stephanie Pitcher

Angela Romero

Andrew Stoddard

Elizabeth Weight

Mark A. Wheatley

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### LONG TITLE

#### General Description:

This bill modifies provisions related to the care of prisoners.

#### Highlighted Provisions:

This bill:

- ▶ requires a jail to provide a prisoner with the option of continuing certain medically

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prescribed methods of contraception;

- ▶ provides a sunset date; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

**17-22-8**, as last amended by Laws of Utah 2019, Chapter 385

**63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434

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

Section 1. Section **17-22-8** is amended to read:

**17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

(1) Except as provided in Subsection [(4), the] (5), a sheriff shall:

- (a) receive [all persons] each individual committed to jail by competent authority;
- (b) provide [them] each prisoner with necessary food, clothing, and bedding in the

manner prescribed by the county legislative body; [and]

(c) provide each prisoner medical care when:

- (i) the [person's] prisoner's symptoms evidence a serious disease or injury;
- (ii) the [person's] prisoner's disease or injury is curable or may be substantially

alleviated; and

~~[(iii) the potential for harm to the person by reason of delay or the denial of medical care would be substantial[.];]~~

[(iii) delay or denial of medical care is likely to cause physical or psychological harm to the prisoner]; and

(d) provide each prisoner, as part of the intake process, with the option of continuing any of the following medically prescribed methods of contraception:

- (i) an oral contraceptive;
- (ii) an injectable contraceptive; or

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(iii) an intrauterine device, if the prisoner was prescribed the intrauterine device because the prisoner experiences serious and persistent adverse effects when using the methods of contraception described in Subsections (1)(d)(i) and (ii).

(2) A sheriff may provide the generic form of a contraceptive described in Subsection (1)(d)(i) or (ii).

~~[(2) The]~~ (3) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is pregnant and gives birth, including the reporting requirements in Subsection 64-13-45(2)(c).

~~[(3) The]~~ (4) (a) Except as provided in Subsection (4)(b), the expense incurred in providing [these] the services required by this section to prisoners shall be paid from the county treasury, except as provided in Section 17-22-10.

(b) The expense incurred in providing the services described in Subsection (1)(d) to prisoners shall be paid by the Department of Health.

~~[(4) The]~~ (5) If the county executive contracts with a private contractor to provide the services required by this section, the sheriff shall provide only those services required of [him] the sheriff by the contract between the county and the private contractor.

Section 2. Section 63I-2-217 is amended to read:

63I-2-217. Repeal dates -- Title 17.

(1) (a) Subsections 17-22-8(1)(d) and (2) regarding contraceptives for inmates, is repealed June 30, 2022.

(b) Subsection 17-22-8(4)(a), the language "Except as provided in Subsection (4)(b)" is repealed June 30, 2022.

(c) Subsection 17-22-8(4)(b) regarding the Department of Health is repealed June 30, 2022.

(d) On July 1, 2022, when making the changes in this section, the Office of Legislative Research and General Counsel shall in addition to its authority under Subsection 36-12-12(3):

(i) make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's understanding of the Legislature's intent; and

(ii) make necessary changes to subsection numbering and cross references.

~~[(4) The]~~ (2) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.

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~~[(2)]~~ (3) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs Study Council, is repealed January 1, 2021.

~~[(3)]~~ (4) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous planning district" is repealed June 1, 2021.

~~[(4)]~~ (5) (a) Subsection 17-27a-103(18)(b), regarding a mountainous planning district, is repealed June 1, 2021.

(b) Subsection 17-27a-103(42), regarding a mountainous planning district, is repealed June 1, 2021.

~~[(5)]~~ (6) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning district area" is repealed June 1, 2021.

~~[(6)]~~ (7) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is repealed June 1, 2021.

(b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed June 1, 2021.

(c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1, 2021.

~~[(7)]~~ (8) Section 17-27a-302, the language that states ", or mountainous planning district" and "or the mountainous planning district," is repealed June 1, 2021.

~~[(8)]~~ (9) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning district or" and ", as applicable" is repealed June 1, 2021.

~~[(9)]~~ (10) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is repealed June 1, 2021.

(b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed June 1, 2021.

~~[(10)]~~ (11) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is repealed June 1, 2021.

(b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is repealed June 1, 2021.

(c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous planning district" is repealed June 1, 2021.

(d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning

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district" is repealed June 1, 2021.

[(11)] (12) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is repealed June 1, 2021.

[(12)] (13) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is repealed June 1, 2021.

[(13)] (14) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

[(14)] (15) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is repealed June 1, 2021.

[(15)] (16) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning district land" is repealed June 1, 2021.

[(16)] (17) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1, 2021.

[(17)] (18) On June 1, 2021, when making the changes in this section, the Office of Legislative Research and General Counsel shall:

(a) in addition to its authority under Subsection 36-12-12(3):

(i) make corrections necessary to ensure that sections and subsections identified in this section are complete sentences and accurately reflect the office's understanding of the Legislature's intent; and

(ii) make necessary changes to subsection numbering and cross references; and

(b) identify the text of the affected sections and subsections based upon the section and subsection numbers used in Laws of Utah 2017, Chapter 448.

[(18)] (19) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services in a designated recreation area, is repealed June 1, 2021.

[(19)] (20) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed January 1, 2022.

[(20)] (21) On June 1, 2022:

(a) Section 17-52a-104 is repealed;

(b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

(c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

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~~[(21)] (22) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate a change of form of government process by July 1, 2018, is repealed.~~