

1 INMATE TREATMENT AMENDMENTS

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Christine F. Watkins

5 Senate Sponsor: _____

6
7 LONG TITLE

8 General Description:

9 This bill requires county and municipal jails to allow medication assistance treatment
10 by a state-approved entity for inmates who were active clients prior to incarceration.

11 Highlighted Provisions:

12 This bill:

13 ▶ requires a county or municipal jail to allow the continuation of medication
14 assistance programs for inmates who were active clients prior to incarceration.

15 Money Appropriated in this Bill:

16 None

17 Other Special Clauses:

18 None

19 Utah Code Sections Affected:

20 AMENDS:

21 10-8-58.5, as last amended by Laws of Utah 2010, Chapter 378

22 17-22-8, as last amended by Laws of Utah 2021, Chapter 108

23
24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section 10-8-58.5 is amended to read:

26 10-8-58.5. Contracting for management, maintenance, operation, or construction
27 of jails.



28 (1) (a) The governing body of a city or town may contract with private contractors for
29 management, maintenance, operation, and construction of city jails.

30 (b) The governing body may include a provision in the contract that requires that any
31 jail facility meet any federal, state, or local standards for the construction of jails.

32 (2) If the governing body contracts only for the management, maintenance, or
33 operation of a jail, the governing body shall include provisions in the contract that:

34 (a) require the private contractor to post a performance bond in the amount set by the
35 governing body;

36 (b) establish training standards that shall be met by jail personnel;

37 (c) require the private contractor to provide and fund training for jail personnel so that
38 the personnel meet the standards established in the contract and any other federal, state, or local
39 standards for the operation of jails and the treatment of jail prisoners;

40 (d) require the private contractor to indemnify the city or town for errors, omissions,
41 defalcations, and other activities committed by the private contractor that result in liability to
42 the city or town;

43 (e) require the private contractor to show evidence of liability insurance protecting the
44 city or town and its officers, employees, and agents from liability arising from the construction,
45 operation, or maintenance of the jail, in an amount not less than those specified in Title 63G,
46 Chapter 7, Governmental Immunity Act of Utah;

47 (f) require the private contractor to:

48 (i) receive all prisoners committed to the jail by competent authority; and

49 (ii) provide them with necessary food, clothing, and bedding in the manner prescribed
50 by the governing body; ~~and~~

51 (iii) allow and admit medical personnel to continue a state-approved medication
52 assisted treatment plan for a prisoner if the prisoner was an active client prior to arrest and
53 commitment; and

54 (g) prohibit the use of inmates by the private contractor for private business purposes
55 of any kind.

56 (3) A contractual provision requiring the private contractor to maintain liability
57 insurance in an amount not less than the liability limits established by Title 63G, Chapter 7,
58 Governmental Immunity Act of Utah, may not be construed as waiving the limitation on

59 damages recoverable from a governmental entity or its employees established by that chapter.

60 Section 2. Section 17-22-8 is amended to read:

61 **17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

62 (1) Except as provided in Subsection (5), a sheriff shall:

63 (a) receive each individual committed to jail by competent authority;

64 (b) provide each prisoner with necessary food, clothing, and bedding in the manner
65 prescribed by the county legislative body;

66 (c) provide each prisoner medical care when:

67 (i) the prisoner's symptoms evidence a serious disease or injury;

68 (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and

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

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

73 (i) an oral contraceptive;

74 (ii) an injectable contraceptive; or

75 (iii) an intrauterine device, if the prisoner was prescribed the intrauterine device

76 because the prisoner experiences serious and persistent adverse effects when using the methods
77 of contraception described in Subsections (1)(d)(i) and (ii)[-]; and

78 (e) allow and admit medical personnel to continue a state-approved medication assisted
79 treatment plan for a prisoner if the prisoner was an active client prior to arrest and
80 commitment.

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

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

85 (4) (a) Except as provided in Subsection (4)(b), the expense incurred in providing the
86 services required by this section to prisoners shall be paid from the county treasury, except as
87 provided in Section 17-22-10.

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

90 (5) If the county executive contracts with a private contractor to provide the services
91 required by this section, the sheriff shall provide only those services required of the sheriff by
92 the contract between the county and the private contractor.