

26 AMENDS:

27 10-8-58.5, as last amended by Laws of Utah 2010, Chapter 378

28 17-22-8, as last amended by Laws of Utah 2022, Chapter 123



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

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

32 **10-8-58.5. Contracting for management, maintenance, operation, or construction**  
33 **of jails.**

34 (1) As used in this section, "medication assisted treatment plan" means a prescription  
35 plan to use buprenorphine, methadone, or naltrexone to treat substance use withdrawal  
36 symptoms or an ~~§~~ **[opiate] opioid** ~~←§~~ use disorder.

37 ~~[(1)]~~ (2) (a) The governing body of a city or town may contract with private contractors  
38 for management, maintenance, operation, and construction of city jails.

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

41 ~~[(2)]~~ (3) If the governing body contracts only for the management, maintenance, or  
42 operation of a jail, the governing body shall include provisions in the contract that:

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

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

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

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

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

56 (f) require the private contractor to:

- 57 (i) receive all prisoners committed to the jail by competent authority; [~~and~~]  
 58 (ii) provide them with necessary food, clothing, and bedding in the manner prescribed  
 59 by the governing body; and  
 60 (iii) cooperate with medical personnel to continue a medication assisted treatment plan  
 61 for an inmate if the inmate was an active client before arrest and commitment; and  
 62 (g) prohibit the use of inmates by the private contractor for private business purposes  
 63 of any kind.  
 64 (4) A medication used for a medication assisted treatment plan under Subsection  
 65 (3)(f)(iii):  
 66 (a) shall be administered to an inmate in accordance with the inmate's prescription  
 67 under the direction of the sheriff;  
 68 (b) may be paid for by a county; and  
 69 (c) may be left or stored at a jail at the discretion of the sheriff.  
 70 [~~(3)~~] (5) A contractual provision requiring the private contractor to maintain liability  
 71 insurance in an amount not less than the liability limits established by Title 63G, Chapter 7,  
 72 Governmental Immunity Act of Utah, may not be construed as waiving the limitation on  
 73 damages recoverable from a governmental entity or its employees established by that chapter.  
 74 Section 2. Section **17-22-8** is amended to read:  
 75 **17-22-8. Care of prisoners -- Funding of services -- Private contractor.**  
 76 (1) As used in this section, "medication assisted treatment plan" means a prescription  
 77 plan to use buprenorphine, methadone, or naltrexone to treat substance use withdrawal  
 78 symptoms or an ~~§~~→ ~~[opiate]~~ opioid ←~~§~~ use disorder.  
 79 [~~(1)~~] (2) Except as provided in Subsection [~~(5)~~] (7), a sheriff shall:  
 80 (a) receive each individual committed to jail by competent authority;  
 81 (b) provide each prisoner with necessary food, clothing, and bedding in the manner  
 82 prescribed by the county legislative body;  
 83 (c) provide each prisoner medical care when:  
 84 (i) the prisoner's symptoms evidence a serious disease or injury;  
 85 (ii) the prisoner's disease or injury is curable or may be substantially alleviated; and  
 86 (iii) the potential for harm to the person by reason of delay or the denial of medical  
 87 care would be substantial; [~~and~~]