

Representative Christine F. Watkins proposes the following substitute bill:

INMATE TREATMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires a county or municipal jail to allow the continuation of medication assistance programs for inmates who were active clients prior to incarceration;
- ▶ provides that a jail may not pay for medications used for medication assistance treatment programs;
- ▶ provides that a jail may, at the discretion of the sheriff, store medications used for medication assistance treatment programs; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **10-8-58.5**, as last amended by Laws of Utah 2010, Chapter 378

27 **17-22-8**, as last amended by Laws of Utah 2022, Chapter 123



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

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

31 **10-8-58.5. Contracting for management, maintenance, operation, or construction**
32 **of jails.**

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

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

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

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

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

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

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

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

52 (f) require the private contractor to:

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

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

56 (iii) admit and cooperate with medical personnel to continue a state-approved

57 medication assisted treatment plan for a prisoner if the prisoner was an active client prior to
58 arrest and commitment; and

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

61 (3) Medications used for state-approved medication assisted treatment plans under
62 Subsection (2)(f)(iii):

63 (a) shall be administered by medication assisted treatment plan providers only;

64 (b) may not be paid for by the private contractor, city, or town; and

65 (c) may be left or stored at the jail at the discretion of the sheriff.

66 [~~3~~] (4) A contractual provision requiring the private contractor to maintain liability
67 insurance in an amount not less than the liability limits established by Title 63G, Chapter 7,
68 Governmental Immunity Act of Utah, may not be construed as waiving the limitation on
69 damages recoverable from a governmental entity or its employees established by that chapter.

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

71 **17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

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

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

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

76 (c) provide each prisoner medical care when:

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

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

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

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

83 (i) an oral contraceptive;

84 (ii) an injectable contraceptive;

85 (iii) a patch;

86 (iv) a vaginal ring; or

87 (v) an intrauterine device, if the prisoner was prescribed the intrauterine device because

88 the prisoner experiences serious and persistent adverse effects when using the methods of
89 contraception described in Subsections (1)(d)(i) and (ii); and

90 (e) admit and cooperate with medical personnel to continue a state-approved
91 medication assisted treatment plan for a prisoner if the prisoner was an active client prior to
92 arrest and commitment.

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

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

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

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

102 (5) Medications used for state-approved medication assisted treatment plans under
103 Subsection (1)(e):

104 (a) shall be administered by medication assisted treatment plan personnel only;

105 (b) may not be paid for out of the county treasury; and

106 (c) may be left or stored at the jail at the discretion of the sheriff.

107 [~~5~~] (6) If the county executive contracts with a private contractor to provide the
108 services required by this section, the sheriff shall provide only those services required of the
109 sheriff by the contract between the county and the private contractor.