

HB0111S02 compared with HB0111

~~text~~ shows text that was in HB0111 but was deleted in HB0111S02.

text shows text that was not in HB0111 but was inserted into HB0111S02.

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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; ~~and~~
- ▶ provides that ~~the jails~~ a county may ~~not~~ pay for ~~or store any~~ 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

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▶ [makes technical changes.](#)

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

(e) require the private contractor to show evidence of liability insurance protecting the city or town and its officers, employees, and agents from liability arising from the construction,

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operation, or maintenance of the jail, in an amount not less than those specified in Title 63G, Chapter 7, Governmental Immunity Act of Utah;

(f) require the private contractor to:

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

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

(iii) admit and cooperate with medical personnel to continue a

~~state-approved~~ licensed medication assisted treatment plan for ~~a prisoner~~ an inmate if the ~~prisoner~~ inmate was an active client ~~prior to~~ before arrest and commitment; and

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

(3) Medications used for ~~state-approved~~ a licensed medication assisted treatment plans under Subsection (2)(f)(iii):

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

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

(c) may ~~not~~ be left or stored at ~~the~~ a jail at the discretion of the sheriff.

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

Section 2. 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 (5), a sheriff shall:

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

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

(c) provide each prisoner medical care when:

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

(ii) the 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; ~~and~~

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(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;
- (iii) a patch;
- (iv) a vaginal ring; or

(v) 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); and

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

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

(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).

(4) (a) Except as provided in Section 17-22-10 and Subsection (4)(b), the expense incurred in providing 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.

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

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

(b) may ~~not~~ be paid for ~~out of the~~ by a county ~~treasury~~; and

(c) may ~~not~~ be left or stored at ~~the~~ a jail at the discretion of the sheriff.

~~(5)~~ (6) 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 the sheriff by the contract between the county and the private contractor.