

1 **PREGNANT AND POSTPARTUM INMATE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Heidi Balderree

2
3 **LONG TITLE**

4 **General Description:**

5 This bill amend provisions related to pregnant and postpartum inmates.

6 **Highlighted Provisions:**

7 This bill:

8 ▸ provides that the Department of Corrections may not establish a nursery for a female
9 inmate and the inmate's infant within a correctional facility;

10 ▸ amends the Correctional Postnatal and Early Childhood Advisory Board; and

11 ▸ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 This bill provides a special effective date.

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **63I-1-226 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of Utah
19 2023, Chapters 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by
20 Laws of Utah 2023, Chapter 329

21 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
22 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023,
23 Chapter 329 and last amended by Coordination Clause, Laws of Utah 2023, Chapters 329, 332

24 **63I-1-264 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 420

25 **64-13-46 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 420

26 RENUMBERS AND AMENDS:

27 **64-13-46.1 (Effective 05/01/24)**, (Renumbered from 26B-1-434, as enacted by Laws
28 of Utah 2023, Chapter 420)

29 REPEALS:

30 **64-13-46.5 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 420

31

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

33 Section 1. Section **63I-1-226** is amended to read:

34 **63I-1-226 (Effective 05/01/24) (Superseded 07/01/24). Repeal dates: Titles 26A**
35 **through 26B.**

36 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed
37 July 1, 2025.

38 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
39 2024.

40 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed January 1,
41 2025.

42 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is repealed
43 January 1, 2025.

44 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
45 Response Commission, as defined in Section 63C-18-202," is repealed December 31,
46 2026.

47 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
48 Commission, is repealed December 31, 2026.

49 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
50 repealed July 1, 2026.

51 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
52 repealed July 1, 2025.

53 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed July
54 1, 2025.

55 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
56 Advisory Council, is repealed July 1, 2025.

57 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is repealed
58 July 1, 2025.

59 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
60 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

61 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
62 repealed July 1, 2029.

- 63 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
64 Other Drug Prevention Program, is repealed July 1, 2025.
- 65 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
66 Disabilities, is repealed July 1, 2027.
- 67 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is
68 repealed July 1, 2023.
- 69 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
70 repealed July 1, 2026.
- 71 [~~(18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood~~
72 ~~Advisory Board, is repealed July 1, 2026.~~]
- 73 [(19)] (18) Section 26B-2-407, related to drinking water quality in child care centers, is
74 repealed July 1, 2027.
- 75 [(20)] (19) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists,
76 is repealed July 1, 2028.
- 77 [(21)] (20) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
78 is repealed July 1, 2025.
- 79 [(22)] (21) Section 26B-3-137, related to reimbursement for the National Diabetes
80 Prevention Program, is repealed June 30, 2027.
- 81 [(23)] (22) Subsection 26B-3-213(2), the language that states "and the Behavioral Health
82 Crisis Response Commission created in Section 63C-18-202" is repealed December 31,
83 2026.
- 84 [(24)] (23) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
85 Board, are repealed July 1, 2027.
- 86 [(25)] (24) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
87 2024.
- 88 [(26)] (25) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
89 repealed July 1, 2024.
- 90 [(27)] (26) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
91 2028.
- 92 [(28)] (27) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.
- 93 [(29)] (28) Section 26B-4-136, related to the Volunteer Emergency Medical Service
94 Personnel Health Insurance Program, is repealed July 1, 2027.
- 95 [(30)] (29) Section 26B-4-710, related to rural residency training programs, is repealed July
96 1, 2025.

- 97 ~~[(31)]~~ (30) Subsections 26B-5-112(1) and (5), the language that states "In consultation with
98 the Behavioral Health Crisis Response Commission, established in Section 63C-18-202
99 ," is repealed December 31, 2026.
- 100 ~~[(32)]~~ (31) Section 26B-5-112.5 is repealed December 31, 2026.
- 101 ~~[(33)]~~ (32) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant
102 Program, is repealed December 31, 2026.
- 103 ~~[(34)]~~ (33) Section 26B-5-118, related to collaborative care grant programs, is repealed
104 December 31, 2024.
- 105 ~~[(35)]~~ (34) Section 26B-5-120 is repealed December 31, 2026.
- 106 ~~[(36)]~~ (35) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:
107 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and
108 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are repealed.
- 109 ~~[(37)]~~ (36) In relation to the Behavioral Health Crisis Response Commission, on December
110 31, 2026:
111 (a) Subsection 26B-5-609(1)(a) is repealed;
112 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
113 the commission," is repealed;
114 (c) Subsection 26B-5-610(1)(b) is repealed;
115 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the
116 commission," is repealed; and
117 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
118 commission," is repealed.
- 119 ~~[(38)]~~ (37) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and
120 Mental Health Advisory Council, are repealed January 1, 2033.
- 121 ~~[(39)]~~ (38) Section 26B-5-612, related to integrated behavioral health care grant programs,
122 is repealed December 31, 2025.
- 123 ~~[(40)]~~ (39) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of
124 the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.
- 125 ~~[(41)]~~ (40) Section 26B-7-224, related to reports to the Legislature on violent incidents and
126 fatalities involving substance abuse, is repealed December 31, 2027.
- 127 ~~[(42)]~~ (41) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
128 2024.
- 129 ~~[(43)]~~ (42) Section 26B-8-513, related to identifying overuse of non-evidence-based health
130 care, is repealed December 31, 2023.

- 131 Section 2. Section **63I-1-226** is amended to read:
132 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**
- 133 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed
134 July 1, 2025.
- 135 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
136 2024.
- 137 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed January 1,
138 2025.
- 139 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is repealed
140 January 1, 2025.
- 141 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis
142 Response Commission, as defined in Section 63C-18-202," is repealed December 31,
143 2026.
- 144 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
145 Commission, is repealed December 31, 2026.
- 146 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
147 repealed July 1, 2026.
- 148 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
149 repealed July 1, 2025.
- 150 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed July
151 1, 2025.
- 152 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
153 Advisory Council, is repealed July 1, 2025.
- 154 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is repealed
155 July 1, 2025.
- 156 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
157 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.
- 158 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
159 repealed July 1, 2029.
- 160 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
161 Other Drug Prevention Program, is repealed July 1, 2025.
- 162 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
163 Disabilities, is repealed July 1, 2027.
- 164 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is

165 repealed July 1, 2023.

166 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
167 repealed July 1, 2026.

168 [~~(18)~~ Section ~~26B-1-434~~, regarding the ~~Correctional Postnatal and Early Childhood~~
169 ~~Advisory Board~~, is repealed July 1, 2026.]

170 [~~(19)~~ (18) Section 26B-2-407, related to drinking water quality in child care centers, is
171 repealed July 1, 2027.

172 [~~(20)~~ (19) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists,
173 is repealed July 1, 2028.

174 [~~(21)~~ (20) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
175 is repealed July 1, 2025.

176 [~~(22)~~ (21) Section 26B-3-137, related to reimbursement for the National Diabetes
177 Prevention Program, is repealed June 30, 2027.

178 [~~(23)~~ (22) Subsection 26B-3-213(2), the language that states "and the Behavioral Health
179 Crisis Response Commission created in Section 63C-18-202" is repealed December 31,
180 2026.

181 [~~(24)~~ (23) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
182 Board, are repealed July 1, 2027.

183 [~~(25)~~ (24) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
184 2024.

185 [~~(26)~~ (25) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
186 repealed July 1, 2024.

187 [~~(27)~~ (26) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
188 2028.

189 [~~(28)~~ (27) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.

190 [~~(29)~~ (28) Section 26B-4-710, related to rural residency training programs, is repealed July
191 1, 2025.

192 [~~(30)~~ (29) Subsections 26B-5-112(1) and (5), the language that states "In consultation with
193 the Behavioral Health Crisis Response Commission, established in Section 63C-18-202
194 ," is repealed December 31, 2026.

195 [~~(31)~~ (30) Section 26B-5-112.5 is repealed December 31, 2026.

196 [~~(32)~~ (31) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant
197 Program, is repealed December 31, 2026.

198 [~~(33)~~ (32) Section 26B-5-118, related to collaborative care grant programs, is repealed

199 December 31, 2024.

200 [~~(34)~~] (33) Section 26B-5-120 is repealed December 31, 2026.

201 [~~(35)~~] (34) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

202 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

203 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are repealed.

204 [~~(36)~~] (35) In relation to the Behavioral Health Crisis Response Commission, on December

205 31, 2026:

206 (a) Subsection 26B-5-609(1)(a) is repealed;

207 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from

208 the commission," is repealed;

209 (c) Subsection 26B-5-610(1)(b) is repealed;

210 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the

211 commission," is repealed; and

212 (e) Subsection 26B-5-610(4), the language that states "In consultation with the

213 commission," is repealed.

214 [~~(37)~~] (36) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and

215 Mental Health Advisory Council, are repealed January 1, 2033.

216 [~~(38)~~] (37) Section 26B-5-612, related to integrated behavioral health care grant programs,

217 is repealed December 31, 2025.

218 [~~(39)~~] (38) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of

219 the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

220 [~~(40)~~] (39) Section 26B-7-224, related to reports to the Legislature on violent incidents and

221 fatalities involving substance abuse, is repealed December 31, 2027.

222 [~~(41)~~] (40) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,

223 2024.

224 [~~(42)~~] (41) Section 26B-8-513, related to identifying overuse of non-evidence-based health

225 care, is repealed December 31, 2023.

226 Section 3. Section **63I-1-264** is amended to read:

227 **63I-1-264 (Effective 05/01/24). Repeal dates: Title 64.**

228 [Section 64-13-46.5, Correctional Facility Nursery, is repealed July 1, 2026].

229 Section 64-13-46.1, regarding the Correctional Postnatal and Early Childhood

230 Advisory Board, is repealed July 1, 2025.

231 Section 4. Section **64-13-46** is amended to read:

232 **64-13-46 (Effective 05/01/24). Pregnant inmates.**

- 233 (1) As used in this section:
- 234 (a) "Postpartum recovery" means, as determined by the pregnant inmate's physician, the
235 period immediately following delivery, including the entire period the inmate is in
236 the hospital or health care facility after birth.
- 237 (b) "Restraints" means any physical restraint or mechanical device used to control the
238 movement of an inmate's body or limbs, including flex cuffs, soft restraints, shackles,
239 or a convex shield.
- 240 (c) (i) "Shackles" means metal restraints, including leg irons, belly chains, or a
241 security or tether chain.
- 242 (ii) "Shackles" does not include hard metal handcuffs.
- 243 (2) Subject to Subsections (3) and (4), if the staff of a correctional facility knows or has
244 reason to believe that an inmate is pregnant or is in postpartum recovery, the staff shall,
245 when restraining the inmate at any time or location, use the least restrictive restraints
246 necessary to ensure the safety and security of the inmate and others.
- 247 (3) A correctional staff member may not use restraints on an inmate during the third
248 trimester of pregnancy, labor, or childbirth unless a correctional staff member makes an
249 individualized determination that there are compelling grounds to believe that the inmate
250 presents:
- 251 (a) an immediate and serious risk of harm to the inmate, the inmate's infant, medical
252 staff, correctional staff, or the public; or
- 253 (b) a substantial risk of escape that cannot reasonably be reduced by the use of other
254 existing means.
- 255 (4) Notwithstanding Subsection (3), under no circumstances may shackles, leg restraints, or
256 waist restraints be used on an inmate during the third trimester of pregnancy, labor,
257 childbirth, or postpartum recovery.
- 258 (5) Correctional staff present during labor or childbirth shall:
- 259 (a) be stationed in a location that offers the maximum privacy to the inmate, while
260 taking into consideration safety and security concerns; and
- 261 (b) be female, if practicable.
- 262 (6) If a correctional staff member authorizes restraints under Subsection (2) or (3), the
263 correctional staff member shall make a written record of the authorization and use of the
264 restraints that includes:
- 265 (a) an explanation of the grounds for the correctional staff member's authorization on the
266 use of restraints;

- 267 (b) the type of restraints that were used; and
 268 (c) the length of time the restraints were used.
- 269 (7) The record described in Subsection (6):
 270 (a) shall be retained by the correctional facility for five years;
 271 (b) shall be available for public inspection with individually identifying information
 272 redacted; and
 273 (c) may not be considered a medical record under state or federal law.
- 274 (8) For a minimum of 48 hours after an inmate has given birth, a correctional facility shall,
 275 if directed by the inmate's physician, allow the infant to remain with the inmate at the
 276 health care facility.
- 277 (9) A correctional facility shall provide:
 278 (a) an inmate who is pregnant, or who has given birth within the past six weeks, access
 279 to a social worker to help the inmate:
 280 (i) arrange childcare;
 281 (ii) establish a reunification plan; and
 282 (iii) establish a substance abuse treatment plan, if needed; and
 283 (b) an inmate in postpartum recovery access to postpartum care for up to 12 weeks as
 284 determined by the inmate's physician.
- 285 (10) The department may not create or operate a nursery in a correctional facility to provide
 286 space for a female inmate and the inmate's child.

287 Section 5. Section ~~64-13-46.1~~, which is renumbered from Section 26B-1-434 is renumbered
 288 and amended to read:

289 ~~[26B-1-434]~~ **64-13-46.1. (Effective 05/01/24). Correctional Postnatal and Early Childhood**
 290 **Advisory Board -- Duties -- Rulemaking.**

- 291 (1) As used in this part:
 292 (a) "Advisory board" means the Correctional Postnatal and Early Childhood Advisory
 293 Board.
 294 (b) "Correctional facility" means a facility operated by the department or a county
 295 sheriff that houses inmates in a secure setting.
 296 [(b)] (c) "Incarcerated mother" means [the same as that term is defined in Section
 297 ~~64-13-46.5~~] an inmate who:
 298 (i) has recently given birth before entering a correctional facility;
 299 (ii) is pregnant and incarcerated in a correctional facility; or
 300 (iii) has given birth while incarcerated in a correctional facility.

- 301 (2) The advisory board shall consist of the following members:
- 302 (a) two individuals from the ~~[Department of Corrections]~~ department, appointed by the
- 303 executive director~~[of the Department of Corrections]~~;
- 304 (b) one individual appointed by the Board of Pardons and Parole;
- 305 (c) one individual appointed by the president of the Utah Sheriffs' Association; and
- 306 ~~[(e)]~~ (d) ~~[six]~~ four individuals appointed by the executive director ~~[of the department]~~ of
- 307 the Department of Health and Human Services, including:
- 308 ~~[(i)]~~ two individuals from the department with experience in child care licensing;
- 309 ~~[(ii)]~~ (i) two pediatric healthcare providers;
- 310 ~~[(iii)]~~ (ii) one individual with expertise in early childhood development; and
- 311 ~~[(iv)]~~ (iii) one individual with experience advocating for incarcerated women.
- 312 (3) (a) Except as provided in Subsection (3)(b), a member of the advisory board shall be
- 313 appointed for a four-year term.
- 314 (b) A member that is appointed to complete an unexpired term may complete the
- 315 unexpired term and serve a subsequent four-year term.
- 316 (c) Appointments and reappointments may be staggered so that one-fourth of the
- 317 advisory board changes each year.
- 318 (d) The advisory board shall annually elect a chair and co-chair of the board from among
- 319 the members of the board to serve a two-year term.
- 320 (4) The advisory board shall meet at least bi-annually, or more frequently as determined by
- 321 the executive director, the chair, or three or more members of the advisory board.
- 322 (5) A majority of the board constitutes a quorum and a vote of the majority of the members
- 323 present constitutes an action of the advisory board.
- 324 (6) A member of the advisory board may not receive compensation or benefits for the
- 325 member's service, but may receive per diem and travel expenses as allowed in:
- 326 (a) Section 63A-3-106;
- 327 (b) Section 63A-3-107; and
- 328 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
- 329 63A-3-107.
- 330 (7) The advisory board shall:
- 331 (a) review research regarding childhood development and best practices for ~~[infants~~
- 332 ~~placed in a nursery located within a secure correctional environment]~~ placing infants
- 333 and incarcerated mothers in a diversion program not located in a correctional facility;
- 334 ~~[(b) as part of the advisory board's review of research under Subsection (7)(a), study the~~

- 335 benefits of having a nursery for infants and incarcerated mothers located within a
336 secure correctional environment and the benefits of placing an infant or incarcerated
337 mother in a diversion program removed from a secure correctional environment;]
- 338 [(e)] (b) study the costs of implementing a diversion program for infants and incarcerated
339 mothers removed from a [secure correctional environment] correctional facility;
- 340 [(d)] (c) create a provisional plan for implementing a diversion program for infants and
341 incarcerated mothers removed from a [secure correctional environment] correctional
342 facility; and
- 343 [(e)] (d) advise and make recommendations to the department and county sheriffs
344 regarding rules and policies for [any nursery established by the Department of
345 Corrections to provide space for incarcerated mothers and infants:] placing an infant
346 or incarcerated mother in a diversion program not located in a correctional facility.
- 347 [(8)] The advisory board, upon request from the Department of Corrections, may:]
- 348 [(a)] after considering the specific circumstances of an infant and the infant's incarcerated
349 mother, extend the age that qualifies the infant for a nursery under Subsection 64-13-46.5
350 (2) up to 24 months old if:]
- 351 [(i)] the extension is in the best interest of the infant; and]
- 352 [(ii)] without the extension the infant would be separated from the incarcerated mother
353 while the incarcerated mother remains in the correctional facility; or]
- 354 [(b)] allow an incarcerated mother who has committed a violent felony to be provided space
355 in a nursery if it is in the best interest of the incarcerated mother's infant.]
- 356 [(9)] (8) On or before November 30, 2024, the advisory board shall provide a report of the
357 advisory board's research and study under Subsections (7)(a) through [(d)] (c), including
358 any proposed legislation, to:
- 359 (a) the Law Enforcement and Criminal Justice Interim Committee; and
- 360 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee.
- 361 [(10)] The department shall:]
- 362 [(a)] after receiving recommendations from the advisory board under Subsection (7)(e),
363 adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
364 Act, for certification of a nursery established in a secure correctional environment that
365 address:]
- 366 [(i)] the safety of the nursery for infants and incarcerated mothers;]
- 367 [(ii)] the childhood development needs of the infants in the nursery;]
- 368 [(iii)] the specific medical needs of the infants and incarcerated mothers in the nursery;]

- 369 ~~[(iv) the appropriate needs of the incarcerated mothers in the nursery; and]~~
370 ~~[(v) any other requirements recommended by the advisory board that the department~~
371 ~~deems necessary for the nursery; and]~~
372 ~~[(b) certify that any nursery established by the Department of Corrections is in compliance~~
373 ~~with the rules established under this section before the nursery begins operations.]~~
374 ~~[(11) The department may make rules in accordance with Title 63G, Chapter 3, Utah~~
375 ~~Administrative Rulemaking Act, regarding corrective action, including closure of a~~
376 ~~nursery established by the Department of Corrections, if the Department of Corrections~~
377 ~~fails to comply with the rules established under this section.]~~
378 Section 6. **Repealer.**
379 This bill repeals:
380 Section **64-13-46.5, (Effective 05/01/24)Correctional facility nursery.**
381 Section 7. **Effective date.**
382 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
383 (2) The actions affecting Section 63I-1-226 (Effective 07/01/24) take effect on July 1, 2024.