

Senator David P. Hinkins proposes the following substitute bill:

INMATE TREATMENT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: David P. Hinkins

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:

- ▶ defines terms;
- ▶ requires a county or municipal jail to allow the continuation of medication assisted treatment plans for inmates who were active clients prior to incarceration;
- ▶ provides that a county may pay for medications used for medication assisted treatment plans;
- ▶ provides that a jail may, at the discretion of the sheriff, store medications used for medication assisted treatment plans; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



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

29

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 ~~Œ~~ **[opiate] opioid** ~~←Œ~~ 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 \hat{S} → [~~opiate~~] **opioid** ← \hat{S} 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~~]

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

90 (i) an oral contraceptive;

91 (ii) an injectable contraceptive;

92 (iii) a patch;

93 (iv) a vaginal ring; or

94 (v) an intrauterine device, if the prisoner was prescribed the intrauterine device because
95 the prisoner experiences serious and persistent adverse effects when using the methods of
96 contraception described in Subsections ~~[(1)(d)(i)]~~ (2)(d)(i) and (ii); and

97 (e) cooperate with medical personnel to continue a medication assisted treatment plan
98 for an inmate if the inmate was an active client before arrest and commitment.

99 ~~[(2)]~~ (3) A sheriff may provide the generic form of a contraceptive described in
100 Subsection ~~[(1)(d)(i)]~~ (2)(d)(i) or (ii).

101 ~~[(3)]~~ (4) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is
102 pregnant and gives birth, including the reporting requirements in Subsection 64-13-45(2)(c).

103 ~~[(4)]~~ (5) (a) Except as provided in Section 17-22-10 and Subsection ~~[(4)(b)]~~ (5)(b), the
104 expense incurred in providing the services required by this section to prisoners shall be paid
105 from the county treasury~~[, except as provided in Section 17-22-10].~~

106 (b) The expense incurred in providing the services described in Subsection ~~[(1)(d)]~~
107 (2)(d) to prisoners shall be paid by the Department of Health and Human Services.

108 (6) A medication used for a medication assisted treatment plan under Subsection
109 (2)(e):

110 (a) shall be administered to an inmate in accordance with the inmate's prescription
111 under the direction of the sheriff;

112 (b) may be paid for by a county; and

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

114 ~~[(5)]~~ (7) If the county executive contracts with a private contractor to provide the
115 services required by this section, the sheriff shall provide only those services required of the
116 sheriff by the contract between the county and the private contractor.