

Representative Jennifer Dailey-Provost proposes the following substitute bill:

CONTRACEPTION FOR INMATES

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill removes the repeal date for provisions regarding providing inmates with contraceptives and expands the types of contraceptives that may be provided.

Highlighted Provisions:

This bill:

- ▶ adds to the list of types of contraceptives that may be provided to inmates; and
- ▶ removes the repeal date from the statutory provisions requiring county jails to provide inmates with prescribed contraceptives.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-22-8, as last amended by Laws of Utah 2021, Chapter 108

63I-2-217, as last amended by Laws of Utah 2021, Chapters 64, 108, 363, and 385

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



26 Section 1. Section 17-22-8 is amended to read:

27 **17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

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

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

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

32 (c) provide each prisoner medical care when:

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

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

35 (iii) the potential for harm to the person by reason of delay or the denial of medical
36 care would be substantial; and

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

39 (i) an oral contraceptive;

40 (ii) an injectable contraceptive; [~~or~~]

41 (iii) a patch;

42 (iv) a vaginal ring; or

43 [~~(iii)~~] (v) an intrauterine device, if the prisoner was prescribed the intrauterine device

44 because the prisoner experiences serious and persistent adverse effects when using the methods
45 of contraception described in Subsections (1)(d)(i) and (ii).

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

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

50 (4) (a) Except as provided in Subsection (4)(b), the expense incurred in providing the
51 services required by this section to prisoners shall be paid from the county treasury, except as
52 provided in Section 17-22-10.

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

55 (5) If the county executive contracts with a private contractor to provide the services
56 required by this section, the sheriff shall provide only those services required of the sheriff by

57 the contract between the county and the private contractor.

58 Section 2. Section **63I-2-217** is amended to read:

59 **63I-2-217. Repeal dates -- Title 17.**

60 [~~(1) (a) Subsections 17-22-8(1)(d) and (2) regarding contraceptives for inmates, is~~
61 ~~repealed June 30, 2022.~~]

62 [~~(b) Subsection 17-22-8(4)(a), the language "Except as provided in Subsection (4)(b)"~~
63 ~~is repealed June 30, 2022.~~]

64 [~~(c) Subsection 17-22-8(4)(b) regarding the Department of Health is repealed June 30,~~
65 ~~2022.~~]

66 [~~(d) On July 1, 2022, when making the changes in this section, the Office of~~
67 ~~Legislative Research and General Counsel shall in addition to its authority under Subsection~~
68 ~~36-12-12(3):~~]

69 [~~(i) make corrections necessary to ensure that sections and subsections identified in this~~
70 ~~section are complete sentences and accurately reflect the office's understanding of the~~
71 ~~Legislature's intent; and]~~

72 [~~(ii) make necessary changes to subsection numbering and cross references:]~~

73 [~~(2)~~] (1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
74 January 1, 2022.

75 [~~(3)~~] (2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
76 initiate a change of form of government process by July 1, 2018, is repealed.

77 [~~(4)~~] (3) On June 1, 2022:

78 (a) Section 17-52a-104 is repealed;

79 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
80 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

81 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.