

## **HB102 - Contraception for Inmates**

Chief Sponsor: Rep. Jen Dailey-Provost

Floor Sponsor: Sen. Luz Escamilla

**This bill requires a jail to provide an incarcerated person with the option of continuing to use certain previously prescribed methods of contraception while incarcerated.**

### **Background:**

Utah Code and the 8<sup>th</sup> Amendment to the US Constitution require that people who are incarcerated receive adequate healthcare. Despite their Constitutionally protected right to medical care, interpretations of state statute have meant that people entering Utah jails are often forced to discontinue their contraceptive method. HB102 explicitly clarifies that people who have previously been prescribed a contraceptive method can continue using their contraception while incarcerated.

### **Talking points:**

- **Losing access to contraceptive care, even for a short time, puts people at heightened risk of unintended pregnancy.**
  - More than **half of women who had abortions** in 2016 were **using contraception**, despite contraception's nearly 100% efficacy rate when used correctly. Ineffective use is largely caused by **lack of access** to contraceptive care.
  - Average jail stays are 27 days. Nearly half of all women who enter jail are released within 72 hours. Disrupting access to contraception for even a few days can diminish the medication's efficiency. It may take up to a week to regain protection after restarting an oral contraceptive
  - The increased risk of pregnancy is a large **source of stress** for incarcerated women. While women typically do not get pregnant while they are in jail, the discontinuation of their birth control creates the risk of getting pregnant from intercourse occurring shortly before or after their time in jail
- **People deserve the opportunity to start their family when the time is right time for them.**
  - 72% of American women who are incarcerated are impacted by poverty, and marginalized populations are overrepresented in jails.
  - This means incarcerated women often lack access to critical health care and other basic needs.
- **Currently, Utah jails fall below the standards set by the National Commission on Correctional Health Care.**

- The American Public Health Association and the National Commission on Correctional Health Care agree that contraceptive services should be made available as part of carceral care.
- **Contraceptive care is medical care.**
  - Beyond pregnancy prevention, contraceptive methods are used to treat a wide range of medical conditions that have a substantial impact on quality of life.
  - Currently, about 62% of all women of reproductive age in the U.S. are using a contraceptive method.
  - 18% of women in a Utah jail in 2018 used a short-acting hormonal method of contraception in the year before arrest
- **Funding contraceptive care is fiscally responsible.**
  - Family planning has a return on investment of \$7.09 for every public dollar spent
  - Emergency Medicaid costs of complex births that require NICU care can be upwards of **\$100,000**.
  - Medicaid finances 48% of all births in the United States, at a cost approaching approximately **\$13,000 per birth**, whereas the annual cost of providing publicly funded contraception for a woman was only **\$239.23**.
  - Nationally, Medicaid spends **\$1.5 billion per year** on pregnancies and childbirth with complications related to substance use disorder.
- **In Utah, [providing contraception](#) to 2,500 women would prevent:**
  - **540 unintended pregnancies**
  - 250 unplanned births
  - **180 abortions**
  - 100 miscarriages
  - 30 unplanned pre-term low-weight births