

[First Reprint]

ASSEMBLY, No. 5059

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

Sponsored by:

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District 15 (Hunterdon and Mercer)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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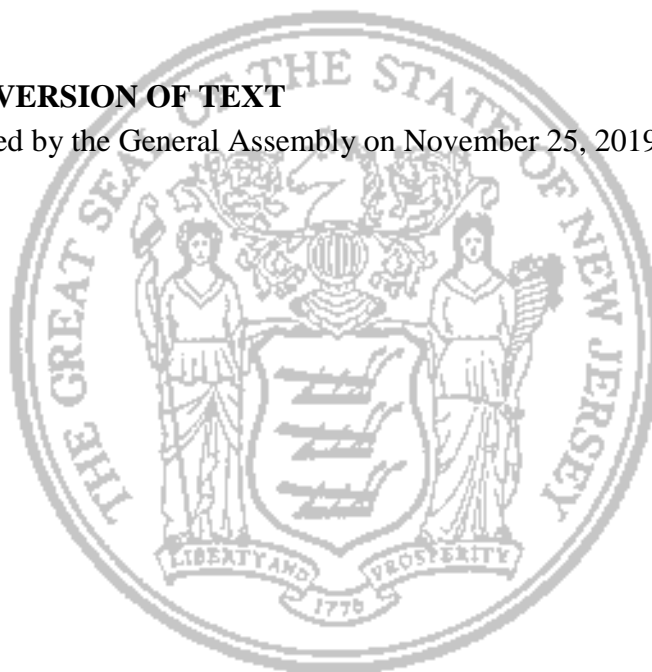
**Assemblyman Mazzeo, Assemblywoman Murphy, Assemblyman Benson
and Assemblywoman Lopez**

SYNOPSIS

Establishes local drug overdose fatality review teams in each county in State.

CURRENT VERSION OF TEXT

As amended by the General Assembly on November 25, 2019.



(Sponsorship Updated As Of: 12/17/2019)

1 AN ACT regarding drug overdoses and supplementing Title 26 of
2 the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. The ¹**【Commissioner of Health】** Local Advisory
8 Committee on Alcohol Use Disorder and Substance Use Disorder in
9 each county¹ shall establish a local drug overdose fatality review
10 team for ¹**【each】** that¹ county ¹**【in this State】**¹. A local drug
11 overdose fatality review team may ¹**【be assigned to】** serve¹ one or
12 more counties where practicable. Each local drug overdose fatality
13 review team shall elect a ¹**【chairman】** chair¹ to administer a process
14 of review and enact and implement a standard protocol for the
15 collection and maintenance of data that shall be consistent with all
16 teams. ¹The Commissioner of Human Services shall make
17 available to local drug overdose fatality review teams such funding
18 as may be appropriate to enable the teams to undertake the duties
19 required under this section, which may include, but shall not be
20 limited to, funding sufficient to allow each team to employ
21 appropriate full-time and part-time personnel as may be necessary.¹

22 b. Local drug overdose fatality review teams shall consist of
23 individuals with experience and knowledge regarding health, social
24 services, law enforcement, education, emergency medicine, mental
25 health, juvenile delinquency, and drug and alcohol abuse.

26 c. ¹**【All participants shall disclose to the commissioner all**
27 **related records of a deceased individual, whose death has been**
28 **determined to be the result of a drug overdose, including**
29 **information and records related to physical health, mental health,**
30 **and treatment for substance abuse that are maintained by a health**
31 **care provider, and provide access to information and records**
32 **maintained by a State or local government agency, including death**
33 **certificates, law enforcement information, medical examiner**
34 **information, parole and probation information, social service**
35 **information and educational information. The commissioner shall**
36 **transfer the records to the local drug overdose fatality review team**
37 **assigned to the county in which the individual's death occurred】**
38 The Commissioner of Health shall develop a mandatory drug
39 overdose death reporting process, pursuant to which health care
40 practitioners, medical examiners, hospitals, emergency medical
41 services providers, local health departments, law enforcement
42 agencies, substance use disorder treatment programs, and relevant
43 social services agencies will be required to confidentially report

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted November 25, 2019.

1 cases of drug overdose death to the Department of Health in a
2 standardized, uniform format.

3 d. The department shall transmit to the appropriate local drug
4 overdose fatality review team such information as the department
5 has available concerning any drug overdose that occurs within the
6 county served by the local drug overdose fatality review team,
7 including, but not limited to: the individual's age, race, gender,
8 county of residence, and county of death; and the date, manner,
9 cause, and specific circumstances of the overdose death, as recorded
10 on the individual's completed death certificate. In addition, the
11 team may be provided access to the following records related to the
12 individual:

13 (1) any relevant information and records maintained by a health
14 care provider related to the individual's physical health, mental
15 health, and substance use disorder treatment, if the individual's next
16 of kin or authorized representative consents to the release of the
17 information or records; and

18 (2) any relevant information and records maintained by a State
19 or local government agency, including criminal history records and
20 records of probation and parole, medical examiner records, social
21 service records, and school records and educational histories, if the
22 individual's next of kin or authorized representative consents to the
23 release of the information or records.

24 e. Upon receipt of a report of drug overdose death that has
25 been forwarded to a local drug overdose death fatality review team
26 pursuant to subsection d. of this section, the team shall review the
27 reported case in accordance with the provisions of subsection f. of
28 this section¹.

29 ¹**[d.] f.**¹ Each local drug overdose fatality review team shall:

30 (1) develop methods to help prevent drug overdoses;

31 (2) explore methods to promote cooperation among multi-
32 disciplinary agencies in providing services to individuals with
33 substance use disorders;

34 (3) develop an understanding of the causes of drug overdoses;

35 (4) recommend possible changes to law and policy to prevent
36 drug overdoses; and

37 (5) meet at least quarterly to review drug overdose ¹death¹ cases
38 ¹**[submitted]** transmitted¹ to the ¹**[commissioner]** team¹ pursuant
39 to this section, as well as available criminal, educational, substance
40 abuse, and mental health records of the deceased individuals.

41 ¹Local drug overdose fatality review team meetings shall be closed
42 to the public.¹

43 ¹**[e.] g.**¹ As used in this section:

44 "Drug overdose" means an acute condition including, but not
45 limited to, physical illness, coma, mania, hysteria, or death resulting
46 from the consumption or use of a controlled dangerous substance or
47 another substance with which a controlled dangerous substance was

1 combined and that a layperson would reasonably believe to require
2 medical assistance.

3
4 2. Names and individual identification data collected pursuant
5 to the provisions of this act shall not be disclosed by the
6 ¹**【Commissioner】 Department¹** of Health or a local drug overdose
7 fatality review team member unless required by law, and nothing in
8 this act shall be construed to require disclosure of any private or
9 confidential health information in violation of State or federal
10 privacy laws. ¹Notwithstanding the foregoing, State and local
11 government agencies are directed to share, upon request by a local
12 drug overdose fatality review team, and, in the case of confidential
13 or personal identifying information, with the consent of the next of
14 kin or authorized representative of the individual who is the subject
15 of the information or record, such information or records as may be
16 necessary and appropriate for the local drug overdose fatality
17 review team to conduct a review of reported drug overdose deaths
18 pursuant to section 1 of this act.¹

19
20 3. The ¹**【Commissioner】 Department¹** of Health, in
21 collaboration with each local drug overdose fatality review team,
22 shall report any findings made pursuant to this act to the Governor
23 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
24 Legislature. ¹**【Local drug overdose fatality review team meetings**
25 **shall be closed to the public.】¹**

26
27 4. The Department of Health shall adopt rules and regulations,
28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
29 (C.52:14B-1 et seq.), to implement the provisions of this act.

30
31 5. This act shall take effect 180 days after the date of
32 enactment.