

[Second Reprint]

## **ASSEMBLY, No. 5059**

# **STATE OF NEW JERSEY**

## **218th LEGISLATURE**

INTRODUCED FEBRUARY 14, 2019

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Co-Sponsored by:**

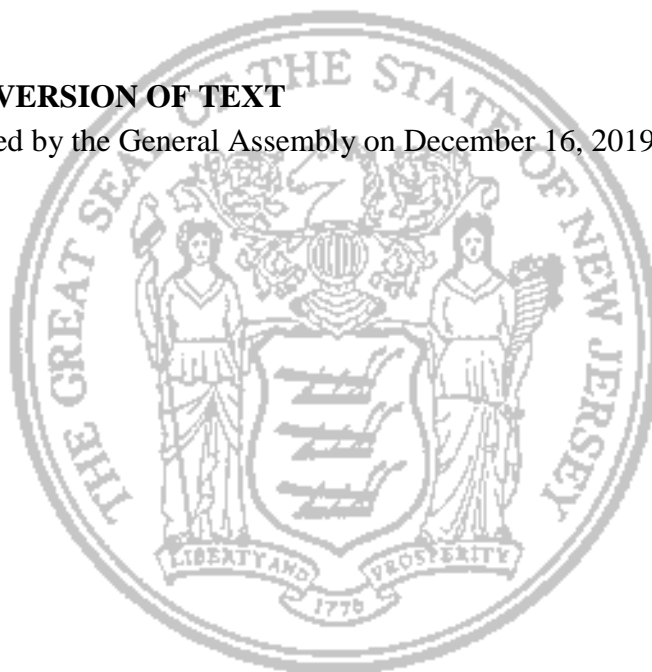
**Assemblyman Mazzeo, Assemblywoman Murphy, Assemblyman Benson,  
Assemblywomen Lopez and Downey**

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 16, 2019.



**(Sponsorship Updated As Of: 1/14/2020)**

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 <sup>1</sup>~~Commissioner of Health~~ Local Advisory  
8 Committee on Alcohol Use Disorder and Substance Use Disorder in  
9 each county<sup>1</sup> <sup>2</sup>~~shall~~ may<sup>2</sup> establish a local drug overdose fatality  
10 review team for <sup>1</sup>~~each~~ that<sup>1</sup> county <sup>1</sup>~~in this State~~<sup>1</sup>. A local  
11 drug overdose fatality review team may <sup>1</sup>~~be assigned to~~ serve<sup>1</sup>  
12 one or more counties where practicable. Each local drug overdose  
13 fatality review team shall elect a <sup>1</sup>~~chairman~~ chair<sup>1</sup> <sup>2</sup>~~to administer~~  
14 a process of review and enact and implement a standard protocol for  
15 the collection and maintenance of data that shall be consistent with  
16 all teams. <sup>1</sup>The 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  
22 necessary<sup>2</sup> <sup>1</sup>.

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

27 c. <sup>1</sup>~~All participants shall disclose to the commissioner all~~  
28 ~~related records of a deceased individual, whose death has been~~  
29 ~~determined to be the result of a drug overdose, including~~  
30 ~~information and records related to physical health, mental health,~~  
31 ~~and treatment for substance abuse that are maintained by a health~~  
32 ~~care provider, and provide access to information and records~~  
33 ~~maintained by a State or local government agency, including death~~  
34 ~~certificates, law enforcement information, medical examiner~~  
35 ~~information, parole and probation information, social service~~  
36 ~~information and educational information. The commissioner shall~~  
37 ~~transfer the records to the local drug overdose fatality review team~~  
38 ~~assigned to the county in which the individual's death occurred~~<sup>1</sup>  
39 The Commissioner of Health shall develop a mandatory drug  
40 overdose death reporting process, pursuant to which health care  
41 practitioners, medical examiners, hospitals, emergency medical  
42 services providers, local health departments, law enforcement  
43 agencies, substance use disorder treatment programs, and relevant  
44 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:

<sup>1</sup>Assembly floor amendments adopted November 25, 2019.

<sup>2</sup>Assembly floor amendments adopted December 16, 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 <sup>2</sup>[, if the individual's  
16 next of kin or authorized representative consents to the release of  
17 the information or records]<sup>2</sup>; 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 <sup>2</sup>if the transmission of such records  
21 does not imperil ongoing investigations<sup>2</sup>, medical examiner records,  
22 social service records, and school records and educational histories  
23 <sup>2</sup>[, if the individual's next of kin or authorized representative  
24 consents to the release of the information or records]<sup>2</sup>.

25 e. Upon receipt of a report of drug overdose death that has  
26 been forwarded to a local drug overdose death fatality review team  
27 pursuant to subsection d. of this section, the team shall review the  
28 reported case in accordance with the provisions of subsection f. of  
29 this section<sup>1</sup>.

30 <sup>1</sup>**[d.] f.**<sup>1</sup> Each local drug overdose fatality review team shall:

31 (1) develop methods to help prevent drug overdoses;  
32 (2) explore methods to promote cooperation among multi-  
33 disciplinary agencies in providing services to individuals with  
34 substance use disorders;

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

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

38 (5) meet at least quarterly to review drug overdose <sup>1</sup>death<sup>1</sup> cases  
39 <sup>1</sup>**[submitted]** <sup>1</sup>transmitted<sup>1</sup> to the <sup>1</sup>**[commissioner]** <sup>1</sup>team<sup>1</sup> pursuant  
40 to this section, as well as available criminal, educational, substance  
41 abuse, and mental health records of the deceased individuals.

42 <sup>1</sup>Local drug overdose fatality review team meetings shall be closed  
43 to the public <sup>2</sup>, and information discussed at the meetings shall be  
44 deemed confidential<sup>2, 1</sup>.

45 <sup>1</sup>**[e.] g.**<sup>1</sup> As used in this section:

1 "Drug overdose" means an acute condition including, but not  
2 limited to, <sup>2</sup>extreme<sup>2</sup> physical illness, coma, <sup>2</sup>[mania, hysteria,]  
3 decreased level of consciousness, respiratory depression,<sup>2</sup> or death  
4 resulting from the consumption or use of a controlled dangerous  
5 substance or another substance with which a controlled dangerous  
6 substance was combined and that a layperson would reasonably  
7 believe to require medical assistance.

8  
9 2. Names and individual identification data collected pursuant  
10 to the provisions of this act shall not be disclosed by the  
11 <sup>1</sup>[Commissioner] Department<sup>1</sup> of Health or a local drug overdose  
12 fatality review team member unless required by law, and nothing in  
13 this act shall be construed to require disclosure of any private or  
14 confidential health information in violation of State or federal  
15 privacy laws. <sup>1</sup>Notwithstanding the foregoing, State and local  
16 government agencies are directed to share, upon request by <sup>2</sup>the  
17 Department of Law and Public Safety for integration into its  
18 integrated drug awareness dashboard, or by<sup>2</sup> a local drug overdose  
19 fatality review team, and <sup>2</sup>], in the case of confidential or personal  
20 identifying information, with the consent of the next of kin or  
21 authorized representative of the individual who is the subject of the  
22 information or record.]<sup>2</sup> such information or records as may be  
23 necessary and appropriate for the local drug overdose fatality  
24 review team to conduct a review of reported drug overdose deaths  
25 pursuant to section 1 of this act <sup>2</sup>or for the Department of Law and  
26 Public Safety to integrate into its integrated drug awareness  
27 dashboard in order to protect the public health, safety, and  
28 welfare<sup>2,1</sup>

29  
30 3. The <sup>1</sup>[Commissioner] Department<sup>1</sup> of Health, in  
31 collaboration with each local drug overdose fatality review team,  
32 shall report any findings made pursuant to this act to the Governor  
33 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
34 Legislature. <sup>1</sup>[Local drug overdose fatality review team meetings  
35 shall be closed to the public.]<sup>1</sup>

36  
37 4. The Department of Health shall adopt rules and regulations,  
38 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
39 (C.52:14B-1 et seq.), to implement the provisions of this act.

40  
41 5. This act shall take effect 180 days after the date of  
42 enactment.