

[Second Reprint]
SENATE, No. 2929

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

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District 30 (Monmouth and Ocean)

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District 14 (Mercer and Middlesex)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on September 12, 2019.



(Sponsorship Updated As Of: 8/26/2019)

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 ²**[Commissioner of Health]** Local Advisory
 8 Committee on Alcohol Use Disorder and Substance Use Disorder in
 9 each county² shall establish a local drug overdose fatality review
 10 team for ²**[each]** that² county ²**[in this State]**² . A local drug
 11 overdose fatality review team may ²**[be assigned to]** serve² 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. ²The 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.²

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 ²**[commissioner]** Commissioner of Health² shall develop a
 39 mandatory drug overdose death reporting process, pursuant to
 40 which health care practitioners, medical examiners, hospitals,
 41 emergency medical services providers, local health departments,
 42 law enforcement agencies, substance use disorder treatment
 43 programs, and relevant social services agencies will be required to
 44 confidentially report ²cases of drug overdose death² to the
 45 Department of Health ²**[on individual cases of drug overdose**

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:

¹Senate SHH committee amendments adopted June 17, 2019.

²Senate floor amendments adopted September 12, 2019.

1 death in a standardized, uniform format² .

2 d. The department shall ²maintain a record of all reports of
3 drug overdose death that are submitted thereto through the reporting
4 processes that are established pursuant to subsection c. of this
5 section. The reports shall contain transmit to the appropriate local
6 drug overdose fatality review team such information as the
7 department has available concerning any drug overdose that occurs
8 within the county served by the local drug overdose fatality review
9 team, including, but not limited to: the individual's age, race,
10 gender, county of residence, and county of death; and the date,
11 manner, cause, and specific circumstances of the overdose death, as
12 recorded on the individual's completed death certificate. In
13 addition, the team may be provided access to the following² records
14 related to ²[a deceased] the² individual ²[, whose death has been
15 determined to be the result of a drug overdose, including, but not
16 limited to]² :

17 (1) ²[the individual's age, race, gender, county of residence, and
18 county of death;

19 (2) the date, manner, cause, and specific circumstances of the
20 overdose death;

21 (3)² any relevant information and records maintained by a
22 health care provider related to the individual's physical health,
23 mental health, and substance use disorder treatment, ²[if
24 applicable,]² if the individual's next of kin or authorized
25 representative ²[;]² consents to the release of the information or
26 records; and ²;

27 (4)² (2)² any relevant information and records maintained by a
28 State or local government agency, including ²[death certificate, law
29 enforcement, records, including]² criminal ²[histories] history
30 records² and records of probation and parole, medical examiner
31 records, social service records, and school records and educational
32 histories, if ²the² individual's next of kin or authorized
33 representative consents to ²the² release ²of² the information or
34 records.

35 ²[The department shall also ensure that a copy of each such
36 report of drug overdose death is promptly forwarded to the local
37 drug overdose fatality review team assigned to the county in which
38 the drug overdose death occurred.]²

39 e. Upon receipt of a report of drug overdose death ²[which]
40 that² has been forwarded to a local drug overdose death fatality
41 review team pursuant to subsection d. of this section, the team shall
42 review the reported case in accordance with the provisions of
43 subsection f. of this section¹ .

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

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

46 (2) explore methods to promote cooperation among multi-
47 disciplinary agencies in providing services to individuals with
48 substance use disorders;

1 (3) develop an understanding of the causes of drug overdoses;
2 (4) recommend possible changes to law and policy to prevent
3 drug overdoses; and
4 (5) meet at least quarterly to review drug overdose ²death² cases
5 ²submitted ²transmitted² to the ¹commissioner ²department¹
6 team² pursuant to this section, as well as available criminal,
7 educational, substance abuse, and mental health records of the
8 deceased individuals. ²Local drug overdose fatality review team
9 meetings shall be closed to the public.²

10 ¹[e.] g.¹ As used in this section:

11 "Drug overdose" means an acute condition including, but not
12 limited to, physical illness, coma, mania, hysteria, or death resulting
13 from the consumption or use of a controlled dangerous substance or
14 another substance with which a controlled dangerous substance was
15 combined and that a layperson would reasonably believe to require
16 medical assistance.

17
18 2. Names and individual identification data collected pursuant
19 to the provisions of this act shall not be disclosed by the
20 ¹Commissioner Department¹ of Health or a local drug overdose
21 fatality review team member unless required by law, and nothing in
22 this act shall be construed to require disclosure of any private or
23 confidential health information in violation of State or federal
24 privacy laws. ²Notwithstanding the foregoing, State and local
25 government agencies are directed to share, upon request by a local
26 drug overdose fatality review team, and, in the case of confidential
27 or personal identifying information, with the consent of the next of
28 kin or authorized representative of the individual who is the subject
29 of the information or record, such information or records as may be
30 necessary and appropriate for the local drug overdose fatality
31 review team to conduct a review of reported drug overdose deaths
32 pursuant to section 1 of this act.²

33
34 ²[3. The ¹Commissioner Department¹ of Health, in

35 collaboration with each local drug overdose fatality review team,

36 shall report any findings made pursuant to this act to the Governor

37 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the

38 Legislature. Local drug overdose fatality review team meetings

39 shall be closed to the public.]²

40
41 ²[4.] 3.² The Department of Health shall adopt rules and
42 regulations, pursuant to the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
44 of this act.

45
46 ²[5.] 4.² This act shall take effect 180 days after the date of
47 enactment.