

[Third Reprint]
SENATE, No. 2929

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

Sponsored by:

Senator ROBERT W. SINGER

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 December 16, 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 ³**[shall]** may³ establish a local drug overdose fatality
 10 review team for ²**[each]** that² county ²**[in this State]**². A local
 11 drug overdose fatality review team may ²**[be assigned to]** serve²
 12 one or more counties where practicable. Each local drug overdose
 13 fatality review team shall elect a ¹**[chairman]** chair¹ ³**[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. 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
 22 necessary]³ ².

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. ¹**[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]**
 39 The ²**[commissioner]** Commissioner of Health² shall develop a
 40 mandatory drug overdose death reporting process, pursuant to
 41 which health care practitioners, medical examiners, hospitals,
 42 emergency medical services providers, local health departments,
 43 law enforcement agencies, substance use disorder treatment
 44 programs, and relevant social services agencies will be required to
 45 confidentially report ²cases of drug overdose death² to the

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.

³Senate floor amendments adopted December 16, 2019.

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

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

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

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

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

28 (4) ² any relevant information and records maintained by a
29 State or local government agency, including ²death certificate, law
30 enforcement, records, including ² criminal ²histories history
31 records ² and records of probation and parole ³if the transmission of
32 such records does not imperil ongoing investigations ³, medical
33 examiner records, social service records, and school records and
34 educational histories ³, if ²the ² individual's next of kin or
35 authorized representative consents to ²the ² release ²of ² the
36 information or records ³ .

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

41 e. Upon receipt of a report of drug overdose death ²which
42 that ² has been forwarded to a local drug overdose death fatality
43 review team pursuant to subsection d. of this section, the team shall
44 review the reported case in accordance with the provisions of
45 subsection f. of this section ¹ .

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

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

(2) explore methods to promote cooperation among multidisciplinary agencies in providing services to individuals with substance use disorders;

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

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

(5) meet at least quarterly to review drug overdose ²death² cases ²[submitted] transmitted² to the ¹[commissioner] ²[department¹] team² pursuant to this section, as well as available criminal, educational, substance abuse, and mental health records of the deceased individuals. ²Local drug overdose fatality review team meetings shall be closed to the public ³, and information discussed at the meetings shall be deemed confidential^{3 2}.

¹[e.] g.¹ As used in this section:

"Drug overdose" means an acute condition including, but not limited to, ³extreme³ physical illness, coma, ³[mania, hysteria,] decreased level of consciousness, respiratory depression,³ or death resulting from the consumption or use of a controlled dangerous substance or another substance with which a controlled dangerous substance was combined and that a layperson would reasonably believe to require medical assistance.

2. Names and individual identification data collected pursuant to the provisions of this act shall not be disclosed by the ¹[Commissioner] Department¹ of Health or a local drug overdose fatality review team member unless required by law, and nothing in this act shall be construed to require disclosure of any private or confidential health information in violation of State or federal privacy laws. ²Notwithstanding the foregoing, State and local government agencies are directed to share, upon request by ³the Department of Law and Public Safety for integration into its integrated drug awareness dashboard, or by³ a local drug overdose fatality review team, and ³[, in the case of confidential or personal identifying information, with the consent of the next of kin or authorized representative of the individual who is the subject of the information or record,]³ such information or records as may be necessary and appropriate for the local drug overdose fatality review team to conduct a review of reported drug overdose deaths pursuant to section 1 of this act ³or for the Department of Law and Public Safety to integrate into its integrated drug awareness dashboard in order to protect the public health, safety, and welfare^{3 2}.

²[3. The ¹[Commissioner] Department¹ of Health, in collaboration with each local drug overdose fatality review team, shall report any findings made pursuant to this act to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the

1 Legislature. Local drug overdose fatality review team meetings
2 shall be closed to the public. **1**²

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

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9 **2**²**[5.]** 4.² This act shall take effect 180 days after the date of
10 enactment.