

# SENATE, No. 52

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senators Corrado and Gopal**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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

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

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

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

25 c. The Commissioner of Health shall develop a mandatory drug  
26 overdose death reporting process, pursuant to which health care  
27 practitioners, medical examiners, hospitals, emergency medical  
28 services providers, local health departments, law enforcement  
29 agencies, substance use disorder treatment programs, and relevant  
30 social services agencies will be required to confidentially report  
31 cases of drug overdose death to the Department of Health in a  
32 standardized, uniform format.

33 d. The department shall transmit to the appropriate local drug  
34 overdose fatality review team such information as the department  
35 has available concerning any drug overdose that occurs within the  
36 county served by the local drug overdose fatality review team,  
37 including, but not limited to: the individual's age, race, gender,  
38 county of residence, and county of death; and the date, manner,  
39 cause, and specific circumstances of the overdose death, as recorded  
40 on the individual's completed death certificate. In addition, the  
41 team may be provided access to the following records related to the  
42 individual:

43 (1) any relevant information and records maintained by a health  
44 care provider related to the individual's physical health, mental  
45 health, and substance use disorder treatment, if the individual's next  
46 of kin or authorized representative consents to the release of the  
47 information or records; and

1 (2) any relevant information and records maintained by a State  
2 or local government agency, including criminal history records and  
3 records of probation and parole, medical examiner records, social  
4 service records, and school records and educational histories, if the  
5 individual's next of kin or authorized representative consents to the  
6 release of the information or records.

7 e. Upon receipt of a report of drug overdose death that has  
8 been forwarded to a local drug overdose death fatality review team  
9 pursuant to subsection d. of this section, the team shall review the  
10 reported case in accordance with the provisions of subsection f. of  
11 this section.

12 f. Each local drug overdose fatality review team shall:

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

14 (2) explore methods to promote cooperation among multi-  
15 disciplinary agencies in providing services to individuals with  
16 substance use disorders;

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

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

20 (5) meet at least quarterly to review drug overdose death cases  
21 transmitted to the team pursuant to this section, as well as available  
22 criminal, educational, substance abuse, and mental health records of  
23 the deceased individuals. Local drug overdose fatality review team  
24 meetings shall be closed to the public.

25 g. As used in this section:

26 "Drug overdose" means an acute condition including, but not  
27 limited to, physical illness, coma, mania, hysteria, or death resulting  
28 from the consumption or use of a controlled dangerous substance or  
29 another substance with which a controlled dangerous substance was  
30 combined and that a layperson would reasonably believe to require  
31 medical assistance.

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33 2. Names and individual identification data collected pursuant  
34 to the provisions of this act shall not be disclosed by the  
35 Department of Health or a local drug overdose fatality review team  
36 member unless required by law, and nothing in this act shall be  
37 construed to require disclosure of any private or confidential health  
38 information in violation of State or federal privacy laws.  
39 Notwithstanding the foregoing, State and local government agencies  
40 are directed to share, upon request by a local drug overdose fatality  
41 review team, and, in the case of confidential or personal identifying  
42 information, with the consent of the next of kin or authorized  
43 representative of the individual who is the subject of the  
44 information or record, such information or records as may be  
45 necessary and appropriate for the local drug overdose fatality  
46 review team to conduct a review of reported drug overdose deaths  
47 pursuant to section 1 of this act.

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

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5       4. This act shall take effect 180 days after the date of  
6 enactment.

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STATEMENT

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11       This bill requires the Commissioner of Health (commissioner) to  
12 establish local drug overdose fatality review teams for each county  
13 in this State.

14       The local drug overdose fatality review teams will be established  
15 by the Local Advisory Committee on Alcohol Use Disorder and  
16 Drug Use Disorder in each county.

17       Under the bill, local drug overdose fatality review teams would  
18 consist of individuals with experience and knowledge regarding  
19 health, social services, law enforcement, education, emergency  
20 medicine, mental health, juvenile delinquency, and drug and alcohol  
21 abuse.

22       The bill provides that the commissioner would be required to  
23 develop a mandatory reporting process for health care practitioners,  
24 medical examiners, hospitals, emergency medical services  
25 providers, local health departments, law enforcement agencies,  
26 substance use disorder treatment programs, and relevant social  
27 services agencies to confidentially report to the Department of  
28 Health (DOH) on individual cases of drug overdose death.

29       The Commissioner of Human Services is to make appropriate  
30 funding available to drug overdose fatality review teams to enable  
31 the teams to carry out their duties under the bill, including  
32 providing sufficient funding to allow the teams to hire necessary  
33 and appropriate personnel.

34       The bill provides that the DOH is to develop a uniform,  
35 standardized reporting process for drug overdose deaths, and  
36 forward certain information concerning each drug overdose death to  
37 the appropriate local drug overdose fatality review team, including  
38 certain personal details concerning the overdose victim and certain  
39 particulars concerning the circumstances of the overdose victim's  
40 death. Local drug overdose fatality review teams will also be  
41 provided access to certain health treatment records and government  
42 records concerning the overdose victim, if the victim's next of kin  
43 or authorized representative consents to the team being provided  
44 access to this information.

45       The bill directs State and local government agencies to share  
46 records and information concerning an overdose victim with a drug  
47 overdose fatality review team upon request, provided that the  
48 victim's next of kin or authorized representative consents to

- 1 disclosure of any information that may not be shared without
- 2 consent, including confidential and personal identifying
- 3 information.