

[First Reprint]
SENATE, No. 52

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 30 (Monmouth and Ocean)
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District 14 (Mercer and Middlesex)

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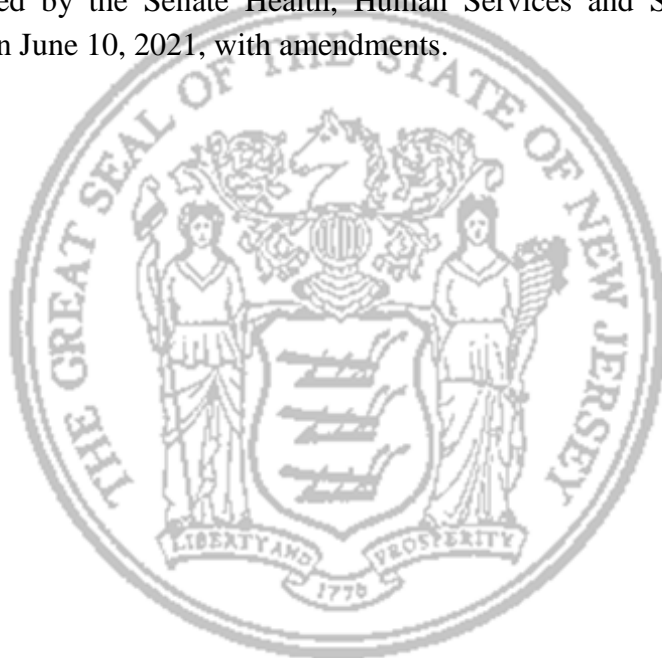
Senators Corrado and Gopal

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on June 10, 2021, with amendments.



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 Local Advisory Committee on Alcohol Use Disorder
8 and Substance Use Disorder in each county ¹~~shall~~ may¹ establish
9 a local drug overdose fatality review team for that county. A local
10 drug 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 ¹~~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~~¹.

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

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 10, 2021.

1 health, and substance use disorder treatment ¹], if the individual's
2 next of kin or authorized representative consents to the release of
3 the information or records¹ ; and

4 (2) any relevant information and records maintained by a State
5 or local government agency, including criminal history records and
6 records of probation and parole ¹if the transmission of such records
7 does not imperil ongoing investigations¹ , medical examiner
8 records, social service records, and school records and educational
9 histories ¹], if the individual's next of kin or authorized
10 representative consents to the release of the information or
11 records¹ .

12 e. Upon receipt of a report of drug overdose death that has
13 been forwarded to a local drug overdose death fatality review team
14 pursuant to subsection d. of this section, the team shall review the
15 reported case in accordance with the provisions of subsection f. of
16 this section.

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

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

19 (2) explore methods to promote cooperation among multi-
20 disciplinary agencies in providing services to individuals with
21 substance use disorders;

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

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

25 (5) meet at least quarterly to review drug overdose death cases
26 transmitted to the team pursuant to this section, as well as available
27 criminal, educational, substance abuse, and mental health records of
28 the deceased individuals. Local drug overdose fatality review team
29 meetings shall be closed to the public ¹, and information discussed
30 at the meetings shall be deemed confidential¹ .

31 g. As used in this section:

32 "Drug overdose" means an acute condition including, but not
33 limited to, ¹extreme¹ physical illness, coma, ¹[mania, hysteria]
34 decreased level of consciousness, respiratory depression¹ , or death
35 resulting from the consumption or use of a controlled dangerous
36 substance or another substance with which a controlled dangerous
37 substance was combined and that a layperson would reasonably
38 believe to require medical assistance.

39

40 2. Names and individual identification data collected pursuant
41 to the provisions of this act shall not be disclosed by the
42 Department of Health or a local drug overdose fatality review team
43 member unless required by law, and nothing in this act shall be
44 construed to require disclosure of any private or confidential health
45 information in violation of State or federal privacy laws.
46 Notwithstanding the foregoing, State and local government agencies
47 are directed to share, upon request by ¹the Department of Law and

1 Public Safety for integration into its integrated drug awareness
2 dashboard, or by¹ a local drug overdose fatality review team, ¹~~and,~~
3 in the case of confidential or personal identifying information, with
4 the consent of the next of kin or authorized representative of the
5 individual who is the subject of the information or record,¹ such
6 information or records as may be necessary and appropriate for the
7 local drug overdose fatality review team to conduct a review of
8 reported drug overdose deaths pursuant to section 1 of this act ¹~~or~~
9 for the Department of Law and Public Safety to integrate into its
10 integrated drug awareness dashboard in order to protect the public
11 health, safety, and welfare¹ .
12

13 ¹3. The Department of Health, in collaboration with each local
14 drug overdose fatality review team, shall report any findings made
15 pursuant to this act to the Governor and, pursuant to section 2 of
16 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.¹
17

18 ¹~~[3.]~~ ¹4. The Department of Health shall adopt rules and
19 regulations, pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions
21 of this act.
22

23 ¹~~[4.]~~ ¹5. This act shall take effect 180 days after the date of
24 enactment.