

ASSEMBLY, No. 798

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 37 (Bergen)

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Assemblyman Mazzeo, Assemblywoman Murphy, Assemblyman Benson, Assemblywoman Lopez, Assemblymen Space, Wirths, Assemblywoman McKnight, Assemblymen Johnson, Houghtaling, Assemblywomen Downey, Timberlake and Assemblyman McKeon

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Health Committee with technical review.



(Sponsorship Updated As Of: 3/25/2021)

1 **AN ACT** regarding drug overdoses and supplementing Title 26 of the
2 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 may establish a local drug
9 overdose fatality review team for that county. A local drug overdose
10 fatality review team may serve one or more counties where
11 practicable. Each local drug overdose fatality review team shall elect
12 a chair.

13 b. Local drug overdose fatality review teams shall consist of
14 individuals with experience and knowledge regarding health, social
15 services, law enforcement, education, emergency medicine, mental
16 health, juvenile delinquency, and drug and alcohol abuse.

17 c. The Commissioner of Health shall develop a mandatory drug
18 overdose death reporting process, pursuant to which health care
19 practitioners, medical examiners, hospitals, emergency medical
20 services providers, local health departments, law enforcement
21 agencies, substance use disorder treatment programs, and relevant
22 social services agencies will be required to confidentially report
23 cases of drug overdose death to the Department of Health in a
24 standardized, uniform format.

25 d. The department shall transmit to the appropriate local drug
26 overdose fatality review team such information as the department has
27 available concerning any drug overdose that occurs within the county
28 served by the local drug overdose fatality review team, including, but
29 not limited to: the individual's age, race, gender, county of residence,
30 and county of death; and the date, manner, cause, and specific
31 circumstances of the overdose death, as recorded on the individual's
32 completed death certificate. In addition, the team may be provided
33 access to the following records related to the individual:

34 (1) any relevant information and records maintained by a health
35 care provider related to the individual's physical health, mental
36 health, and substance use disorder treatment; and

37 (2) any relevant information and records maintained by a State or
38 local government agency, including criminal history records and
39 records of probation and parole if the transmission of such records
40 does not imperil ongoing investigations, medical examiner records,
41 social service records, and school records and educational histories.

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

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

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

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

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

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

7 (5) meet at least quarterly to review drug overdose death cases
8 transmitted to the team pursuant to this section, as well as available
9 criminal, educational, substance abuse, and mental health records of
10 the deceased individuals. Local drug overdose fatality review team
11 meetings shall be closed to the public, and information discussed at
12 the meetings shall be deemed confidential.

13 g. As used in this section:

14 "Drug overdose" means an acute condition including, but not
15 limited to, extreme physical illness, coma, decreased level of
16 consciousness, respiratory depression, or death resulting from the
17 consumption or use of a controlled dangerous substance or another
18 substance with which a controlled dangerous substance was
19 combined and that a layperson would reasonably believe to require
20 medical assistance.

21
22 2. Names and individual identification data collected pursuant to
23 the provisions of this act shall not be disclosed by the Department of
24 Health or a local drug overdose fatality review team member unless
25 required by law, and nothing in this act shall be construed to require
26 disclosure of any private or confidential health information in
27 violation of State or federal privacy laws. Notwithstanding the
28 foregoing, State and local government agencies are directed to share,
29 upon request by the Department of Law and Public Safety for
30 integration into its integrated drug awareness dashboard, or by a local
31 drug overdose fatality review team, such information or records as
32 may be necessary and appropriate for the local drug overdose fatality
33 review team to conduct a review of reported drug overdose deaths
34 pursuant to section 1 of this act or for the Department of Law and
35 Public Safety to integrate into its integrated drug awareness
36 dashboard in order to protect the public health, safety, and welfare.

37
38 3. The Department of Health, in collaboration with each local
39 drug overdose fatality review team, shall report any findings made
40 pursuant to this act to the Governor and, pursuant to section 2 of
41 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

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

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