

Representative Steve Eliason proposes the following substitute bill:

OVERDOSE AND SUICIDE FATALITY REVIEW AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill creates a new position in the Office of the Medical Examiner and creates the Opioid and Overdose Fatality Review Committee.

Highlighted Provisions:

This bill:

- ▶ creates the position of an overdose and suicide fatality examiner within the Office of the Medical Examiner;
- ▶ creates the Opioid and Overdose Fatality Review Committee within the Department of Health; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to Department of Health -- Disease Control and Prevention, as an ongoing appropriation:
 - from General Fund, ~~Ĥ→~~ ~~[\$645,000]~~ \$675,000 ~~←Ĥ~~ .
- ▶ to Department of Health -- Disease Control and Prevention, as a one-time appropriation:
 - from General Fund, One-time \$145,000.



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 [26-4-30](#), Utah Code Annotated 1953

31 [26-7-10](#), Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26-4-30** is enacted to read:

35 **26-4-30. Overdose and suicide fatality examiner.**

36 (1) Within funds appropriated by the Legislature for this purpose, the department shall
37 provide compensation, at a standard rate determined by the department, to an overdose and
38 suicide fatality examiner.

39 (2) The overdose and suicide fatality examiner shall:

40 (a) work with the medical examiner to compile data regarding overdose and opioid
41 related deaths, including:

42 (i) toxicology information;

43 (ii) demographics; and

44 (iii) source of opioids or drugs;

45 (b) as relatives of the deceased are willing, gather information from relatives of the
46 deceased regarding the circumstances of the decedent's death;

47 (c) maintain a database of information described in Subsections (2)(a) and (b);

48 (d) coordinate no less than monthly with the suicide prevention coordinator described
49 in Subsection [62A-15-1101\(2\)](#); and

50 (e) coordinate no less than quarterly with the Opioid and Overdose Fatality Review
51 Committee described in Section [26-7-10](#).

52 Section 2. Section **26-7-10** is enacted to read:

53 **26-7-10. Opioid and Overdose Fatality Review Committee.**

54 (1) As used in this section:

55 (a) "Committee" means the Opioid and Overdose Fatality Review Committee created
56 in this section.

57 (b) "Opioid overdose death" means a death primarily caused by opioids or another
 58 substance that closely resembles opioids.

59 (2) The department shall establish the Opioid and Overdose Fatality Review
 60 Committee.

61 (3) The executive director of the department shall appoint a committee coordinator.

62 (4) The committee shall consist of:

63 (a) the attorney general, or the attorney general's designee;

64 (b) a state, county, or municipal law enforcement officer;

65 (c) the manager of the department's Violence Injury Program, or the manager's
 66 designee;

67 (d) an emergency medical services provider;

68 (e) a representative from the Office of the Medical Examiner;

69 (f) a representative from the Division of Substance Abuse and Mental Health;

70 (g) a representative from the Office of Vital Records;

71 (h) a representative from the Office of Health Care Statistics;

72 (i) a representative from the Division of Occupational and Professional Licensing;

73 (j) a healthcare professional who specializes in the prevention, diagnosis, and treatment
 74 of substance use disorder;

75 (k) a representative from a state or local jail or detention center;

76 (l) a representative from the Department of Corrections;

77 (m) a representative from Juvenile Justice Services;

78 (n) a representative from the Department of Public Safety; ~~§~~ → [and]

78a ~~§~~ → [(o) a member of the Senate appointed by the president of the Senate;

78b —— (p) a member of the House of Representatives appointed by the speaker of the House of
 78c Representatives; and ~~←~~ ~~§~~

79 —— ~~§~~ → [(o)] (q) ~~←~~ ~~§~~ any other individual whom the committee determines is necessary to fulfill
 79a the

80 committee's responsibilities under Subsection (7).] (o) a representative from the Commission on
 80a Criminal and Juvenile Justice;

80b (p) a physician from a Utah-based medical center; and

80c (q) a physician from a nonprofit vertically integrated healthcare organization. ~~←~~ ~~§~~

81 (5) The department shall give the committee access to all reports, records, and other
 82 documents, including protected health information, that are relevant to the committee's
 83 responsibilities under Subsection (7).

84 (6) The committee coordinator may request records that are relevant to the committee's
 85 responsibilities under Subsection (7) through Title 63G, Chapter 2, Government Records
 86 Access and Management Act, and by subpoena. ☺

87

☛(7) The committee shall:

88 (a) conduct a multidisciplinary review of available information regarding a decedent of
 89 an opioid overdose death, which review shall include:

90 (i) consideration of the decedent's points of contact with healthcare, social services,
 91 criminal justice and other systems; and

92 (ii) identification of specific factors that put the individual at risk for opioid overdose;

93 (b) promote cooperation and coordination among government entities involved in
 94 opioid misuse, abuse, or overdose prevention;

95 (c) develop an understanding of the causes and incidence of opioid overdose deaths in
 96 the state;

97 (d) make recommendations for changes to law or policy that may prevent opioid
 98 overdose deaths;

99 (e) inform public health and public safety entities of emerging trends in opioid
 100 overdose deaths;

101 (f) monitor overdose trends on non-opioid overdose deaths; and

102 (g) review non-opioid overdose deaths in the manner described in Subsections (7)(a)
 103 through (7)(e), when the committee determines that there are a substantial number of overdose
 104 deaths in Utah caused by the use of a non-opioid.

105 (8) A committee may interview a staff member, a provider, or any other person who
 106 may have knowledge or expertise that is relevant to the review of an opioid overdose death.

107 (9) A majority vote of committee members present constitutes the action of the
 108 committee.

109 (10) Each committee member and each individual granted access to a committee
 110 proceeding shall sign a confidentiality agreement, created by the department, indicating that the
 111 individual agrees to:

112 (a) keep confidential all information relating to the review of an opioid overdose death;
 113 and

114 (b) not release any information relating to the review of an opioid overdose death,
 115 unless required or permitted by law to release the information.

116 (11) The committee ~~shall~~ may ~~meet~~ ~~at least~~ up to ~~eight~~ times each
 116a year.

117 (12) Committee meetings are closed to the public.

118 (13) The committee shall record minutes of committee meetings.

119 Section 3. **Appropriation.**

120 The following sums of money are appropriated for the fiscal year beginning July 1,
121 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
122 fiscal year 2020. Under the terms and conditions of ~~§~~ → [title] Title ← ~~§~~ 63J, Chapter 1, Budgetary
122a Procedures
123 Act, the Legislature appropriates the following sums of money from the funds or accounts
124 indicated for the use and support of the government of the state of Utah.

125 ITEM 1

126 To Department of Health -- Disease Control and Prevention

127 From General Fund \$675,000

128 From General Fund, One-time \$145,000

129 Schedule of Programs:

130 Office of the Medical Examiner \$820,000

131 The Legislature intends that appropriations provided under this section be used by the
132 Office of the Medical Examiner to carry out the requirements described in Section [26-4-30](#) and
133 to investigate other suicide and drug-related deaths.