

1
2
3
4
5
6

OPIOID FATALITY REVIEW AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

7 **LONG TITLE**

8 **Committee Note:**

9 The Health and Human Services Interim Committee recommended this bill.

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ creates the position of an opioid fatality examiner within the Office of the Medical
16 Examiner;
- 17 ▶ creates the Opioid and Overdose Fatality Review Committee within the Department
18 of Health; and
- 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

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

27 [26-7-10](#), Utah Code Annotated 1953

28
29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **26-4-30. Opioid fatality examiner.**

32 (1) With funds appropriated by the Legislature for this purpose, the department shall
33 provide compensation, at a standard rate determined by the department, to an opioid fatality
34 examiner.

35 (2) The opioid fatality examiner shall:

36 (a) work with the medical examiner to compile data regarding opioid related deaths,
37 including:

38 (i) toxicology information;

39 (ii) demographics; and

40 (iii) source of opioids;

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

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

44 (d) coordinate no less than monthly with the suicide prevention coordinator described

45 in Subsection [62A-15-1101\(2\)](#); and

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

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

49 **26-7-10. Opioid and Overdose Fatality Review Committee.**

50 (1) As used in this section:

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

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

55 (2) The department shall establish the Opioid and Overdose Fatality Review
56 Committee.

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

58 (4) The committee shall consist of:

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

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

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

63 (d) an emergency medical services provider;

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

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

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

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

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

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

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

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

73 (m) a representative from Juvenile Justice Services; and

74 (n) any other individual whom the committee determines is necessary to fulfill the
75 committee's responsibilities under Subsection (7).

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

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

82 (7) The committee shall:

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

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

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

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

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

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

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

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

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

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

102 (9) A majority vote of committee members present constitutes the action of the
103 committee.

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

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

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

111 (11) The committee shall meet at least eight times each year.

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

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