

REFERENCE TITLE: drug overdose fatality review teams

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2194

Introduced by
Representatives Nguyen: Bliss

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; REPEALING TITLE 36, CHAPTER 1, ARTICLE 6, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 1, Arizona Revised Statutes, is
3 amended by adding article 6, to read:

4 ARTICLE 6. DRUG OVERDOSE FATALITIES

5 36-198. Drug overdose fatality review team; members; duties;
6 local drug overdose fatality review teams;
7 confidentiality

8 A. THE DRUG OVERDOSE FATALITY REVIEW TEAM IS ESTABLISHED IN THE
9 DEPARTMENT OF HEALTH SERVICES. THE HEAD OF EACH OF THE FOLLOWING ENTITIES
10 OR THAT PERSON'S DESIGNEE SHALL SERVE ON THE REVIEW TEAM:

- 11 1. THE ATTORNEY GENERAL.
- 12 2. THE DEPARTMENT OF HEALTH SERVICES.
- 13 3. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.
- 14 4. THE DEPARTMENT OF ECONOMIC SECURITY.
- 15 5. THE GOVERNOR'S OFFICE OF YOUTH, FAITH AND FAMILY.
- 16 6. THE ADMINISTRATIVE OFFICE OF THE COURTS.
- 17 7. THE STATE DEPARTMENT OF CORRECTIONS.
- 18 8. THE ARIZONA COUNCIL OF HUMAN SERVICES PROVIDERS.
- 19 9. THE DEPARTMENT OF PUBLIC SAFETY.

20 B. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL APPOINT
21 THE FOLLOWING MEMBERS TO SERVE ON THE REVIEW TEAM:

- 22 1. A MEDICAL EXAMINER WHO IS A RURAL FORENSIC PATHOLOGIST.
- 23 2. A MEDICAL EXAMINER WHO IS A METROPOLITAN FORENSIC PATHOLOGIST.
- 24 3. A REPRESENTATIVE OF A TRIBAL GOVERNMENT.
- 25 4. A PUBLIC MEMBER.
- 26 5. A REPRESENTATIVE OF A PROFESSIONAL EMERGENCY MANAGEMENT SYSTEM
27 ASSOCIATION.
- 28 6. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION
29 REPRESENTING NURSES.
- 30 7. A HEALTH CARE PROFESSIONAL FROM A STATEWIDE ASSOCIATION
31 REPRESENTING PHYSICIANS.
- 32 8. A REPRESENTATIVE OF AN ASSOCIATION OF COUNTY HEALTH OFFICERS.
- 33 9. A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING HOSPITALS.
- 34 10. A HEALTH CARE PROFESSIONAL WHO SPECIALIZES IN THE PREVENTION,
35 DIAGNOSIS AND TREATMENT OF SUBSTANCE USE DISORDERS.
- 36 11. A COUNTY SHERIFF, OR THE SHERIFF'S DESIGNEE, WHO REPRESENTS A
37 COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND PERSONS AND A
38 COUNTY SHERIFF, OR THE SHERIFF'S DESIGNEE, WHO REPRESENTS A COUNTY WITH A
39 POPULATION OF FIVE THOUSAND PERSONS OR MORE.

40 C. THE REVIEW TEAM SHALL:

- 41 1. DEVELOP A DRUG OVERDOSE FATALITIES DATA COLLECTION SYSTEM.
- 42 2. CONDUCT AN ANNUAL ANALYSIS ON THE INCIDENCE AND CAUSES OF DRUG
43 OVERDOSE FATALITIES IN THIS STATE DURING THE PRECEDING FISCAL YEAR.

1 3. ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF LOCAL DRUG OVERDOSE
2 FATALITY REVIEW TEAMS.

3 4. DEVELOP STANDARDS AND PROTOCOLS FOR LOCAL DRUG OVERDOSE FATALITY
4 REVIEW TEAMS AND PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO THESE TEAMS.

5 5. DEVELOP PROTOCOLS FOR DRUG OVERDOSE INVESTIGATIONS, INCLUDING
6 PROTOCOLS FOR LAW ENFORCEMENT AGENCIES, PROSECUTORS, MEDICAL EXAMINERS,
7 HEALTH CARE FACILITIES AND SOCIAL SERVICE AGENCIES.

8 6. STUDY THE ADEQUACY OF STATUTES, ORDINANCES, RULES, TRAINING AND
9 SERVICES TO DETERMINE WHAT CHANGES ARE NEEDED TO DECREASE THE INCIDENCE OF
10 PREVENTABLE DRUG OVERDOSE FATALITIES AND, AS APPROPRIATE, TAKE STEPS TO
11 IMPLEMENT THESE CHANGES.

12 7. EDUCATE THE PUBLIC REGARDING THE INCIDENCE AND CAUSES OF DRUG
13 OVERDOSE FATALITIES AS WELL AS THE PUBLIC'S ROLE IN PREVENTING THESE
14 DEATHS.

15 8. DESIGNATE A MEMBER OF THE REVIEW TEAM TO SERVE AS CHAIRPERSON.

16 D. TEAM MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, BUT
17 MEMBERS APPOINTED PURSUANT TO SUBSECTION B OF THIS SECTION ARE ELIGIBLE
18 FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

19 E. THE DEPARTMENT OF HEALTH SERVICES SHALL PROVIDE PROFESSIONAL AND
20 ADMINISTRATIVE SUPPORT TO THE REVIEW TEAM.

21 F. LAW ENFORCEMENT AGENCIES SHALL PROVIDE UNREDACTED DEPARTMENT
22 REPORTS TO THE CHAIRPERSON OF A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM
23 ON REQUEST. ALL INFORMATION AND RECORDS ACQUIRED BY A LOCAL DRUG OVERDOSE
24 FATALITY REVIEW TEAM ARE CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA,
25 DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL OR CRIMINAL PROCEEDING
26 OR DISCIPLINARY ACTION. INFORMATION AND RECORDS THAT ARE OTHERWISE
27 AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY OR
28 INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THE
29 INFORMATION OR RECORD WAS PRESENTED TO OR REVIEWED BY A LOCAL DRUG
30 OVERDOSE FATALITY REVIEW TEAM.

31 G. A MEMBER OF A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM OR ANY
32 PERSON WHO PRESENTS INFORMATION TO A LOCAL DRUG OVERDOSE FATALITY REVIEW
33 TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING OR
34 DISCIPLINARY ACTION REGARDING THE INFORMATION PRESENTED. THIS SUBSECTION
35 DOES NOT PREVENT A PERSON FROM TESTIFYING REGARDING INFORMATION OBTAINED
36 INDEPENDENTLY OF THE LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM OR AS TO
37 PUBLIC INFORMATION.

38 36-198.01. Access to information; confidentiality; violation;
39 classification

40 A. ON REQUEST OF THE CHAIRPERSON OF THE DRUG OVERDOSE FATALITY
41 REVIEW TEAM OR A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM AND AS NECESSARY
42 TO CARRY OUT THE REVIEW TEAM'S DUTIES, THE CHAIRPERSON SHALL BE PROVIDED,
43 WITHIN FIVE DAYS EXCLUDING WEEKENDS AND HOLIDAYS, WITH ACCESS TO
44 INFORMATION AND RECORDS REGARDING A DRUG OVERDOSE FATALITY THAT IS BEING

1 REVIEWED BY THE REVIEW TEAM OR REGARDING THE PERSON WHO OVERDOSED ON
2 DRUGS. THE REVIEW TEAM MAY REQUEST THE INFORMATION AND RECORDS FROM ANY
3 OF THE FOLLOWING:

4 1. A PROVIDER OF MEDICAL, DENTAL OR MENTAL HEALTH CARE.

5 2. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT MIGHT
6 ASSIST THE REVIEW TEAM IN REVIEWING THE FATALITY.

7 B. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING
8 ATTORNEY, MAY WITHHOLD FROM THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A
9 LOCAL TEAM ANY INVESTIGATIVE RECORDS THAT MIGHT INTERFERE WITH A PENDING
10 CRIMINAL INVESTIGATION OR PROSECUTION.

11 C. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE
12 DIRECTOR'S DESIGNEE MAY APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS
13 NECESSARY TO COMPEL THE PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER
14 EVIDENCE RELATED TO THE PERSON WHO OVERDOSED ON DRUGS. SUBPOENAS ISSUED
15 UNDER THIS SUBSECTION SHALL BE SERVED AND, ON APPLICATION TO THE COURT BY
16 THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED
17 BY LAW FOR THE SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT
18 AGENCY IS NOT REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE
19 SUBPOENA IF THE SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL
20 INVESTIGATION OR PROSECUTION. ALL RECORDS SHALL BE RETURNED TO THE AGENCY
21 OR ORGANIZATION ON COMPLETION OF THE REVIEW. THE DRUG OVERDOSE FATALITY
22 REVIEW TEAM OR A LOCAL TEAM MAY NOT KEEP WRITTEN REPORTS OR RECORDS
23 CONTAINING IDENTIFYING INFORMATION.

24 D. ALL INFORMATION AND RECORDS ACQUIRED BY THE DRUG OVERDOSE
25 FATALITY REVIEW TEAM OR ANY LOCAL TEAM ARE CONFIDENTIAL AND ARE NOT
26 SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL
27 OR CRIMINAL PROCEEDING, EXCEPT THAT INFORMATION, DOCUMENTS AND RECORDS
28 THAT ARE OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM
29 SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES
30 SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY A REVIEW TEAM
31 PURSUANT TO THIS ARTICLE.

32 E. MEMBERS OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL
33 TEAM, PERSONS ATTENDING A REVIEW TEAM MEETING AND PERSONS WHO PRESENT
34 INFORMATION TO A REVIEW TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR
35 CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS FORMED
36 AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT PREVENT A PERSON FROM
37 TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF THE REVIEW
38 TEAM OR THAT IS PUBLIC INFORMATION.

39 F. A MEMBER OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL
40 TEAM MAY CONTACT, INTERVIEW OR OBTAIN INFORMATION BY REQUEST OR SUBPOENA
41 FROM A FAMILY MEMBER OF A DECEASED PERSON WHO OVERDOSED ON DRUGS.

42 G. MEETINGS OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL
43 TEAM ARE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,
44 ARTICLE 3.1 IF THE REVIEW TEAM IS REVIEWING INFORMATION ON A PERSON WHO

1 OVERDOSED ON DRUGS. ALL OTHER REVIEW TEAM MEETINGS ARE OPEN TO THE
2 PUBLIC.

3 H. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS
4 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

5 Sec. 2. Delayed repeal

6 Title 36, chapter 1, article 6, Arizona Revised Statutes, as added
7 by this act, is repealed from and after December 31, 2028.