



STATE OF MAINE  
GOVERNOR'S OFFICE OF POLICY INNOVATION AND THE FUTURE  
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TESTIMONY OF GORDON SMITH, DIRECTOR OF OPIOID RESPONSE, IN SUPPORT OF L.D. 1718, AN ACT TO ESTABLISH AN ACCIDENTAL DRUG OVERDOSE DEATH REVIEW PANEL, BEFORE THE COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 21, 2021.

Senator Claxton, Representative Meyer and Members of the Committee, I am Gordon Smith, a resident of East Winthrop, Maine and I currently serve as the state's Director of Opioid Response. I appear before you today in support of L.D. 1718, An Act to Establish an Accidental Drug Overdose Death Review Panel. I appreciate Rep. Evans' sponsorship of this bill which is a Governor's bill and which I am the drafter of. I consider the bill to be a very important part of the state's response to the opioid epidemic generally and to the recent spike in overdose deaths specifically. The recently updated Opioid Response Strategic Action Plan, which you were so kind to provide me an opportunity to brief you on a few weeks ago, explicitly states in Strategy # 1, current activity h. Support, and implement if enacted, legislation establishing an overdose fatality review panel.

Next week, Attorney General Aaron Frey is expected to release the Annual Report of drug overdose fatalities for 2020. He will also release the monthly numbers for March, 2021. There will be no surprises in these reports, as the quarterly reports in 2020 which are available on the new [mainedrugdata.org](http://mainedrugdata.org) data hub, confirmed that 504 individuals died last year from drug overdoses, a sharp increase from 2019. And the first four months of this year has shown little improvement. L.D. 1718 is one of several initiatives being considered as we ramp up our effort to keep Mainers alive. Others include implementation of the OPTIONS initiative in each county and continuing distribution of the life saving drug naloxone (Narcan). We are also educating persons who are using drugs to not use alone as the majority of overdoses currently have no bystander to administer naloxone. More education on the Good Samaritan law enacted last session is also taking place in order to encourage individuals present at an overdose to call 911.

This bill creates, within the Office of the Attorney General, an accidental drug overdose review panel to review a subset of overdose deaths. The deaths reviewed would be recommended by the Office of the Chief Medical Examiner or its contractor which at this time is the Margaret Chase Smith Policy Center at the University of Maine. I drafted the bill after reviewing all the current laws establishing similar panels such as the Maternal and Infant Death Review Panel. These panels operate in similar ways and these authorizing statutes are required in order to allow the panels to review materials that might otherwise be confidential and to protect the confidentiality of their deliberations. The proposed statute also stipulates the fourteen individuals or their designees who will serve on the panel.

Other states have similar panels which have been considered to be an effective strategy in preventing overdose deaths. The New Hampshire legislature enacted a similar bill in 2019. Over thirty states have similar panels and there is now quite a robust exchange of information across these states so that an array

of best practices is evolving. Along with some of the research team at the University, we have been attending some of the conferences, virtually, in order to be prepared should this bill pass. I hope it will, as I have no doubt that there are things we can learn from the circumstances surrounding every death. And this learning may cause us to pivot in some of our policies when we find gaps that can be filled. You will note that the bill has an emergency preamble so that we can begin our work immediately should the bill be enacted and signed into law. So long as we continue to lose 10 to 12 Mainers every week, I can't imagine a bill more directly impacting on life and death.

In the way of background, I think you should be aware that this identical legislation was considered by the Judiciary Committee last year and a work session last summer resulted in some amendments which I incorporated in this draft. I believe the bill had a unanimous OTP report anticipating the Legislature might re-convene but, as you well know, that did not occur. So here we are back again and I would apologize for it being printed and considered so late in the session but that was not due to any delay on the part of the Governor's Office or Rep. Evans who signed this bill over two months ago. Regardless, I believe that most of the interested parties have known of this bill for two years and had ample opportunity in 2020 to comment and all their comments were considered in this draft.

Thank you for your time this morning and I would be happy to answer any questions you may have.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gordon Smith". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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