

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1273 - L.D. 1718

An Act To Establish the Accidental Drug Overdose Death Review Panel

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the number of individuals residing in Maine who die as the result of an accidental drug overdose is increasing and exceeds the national average on a per capita basis; and

Whereas, this legislation must take effect before the expiration of the 90-day period to help prevent, as soon as possible, accidental drug overdose deaths; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §200-M is enacted to read:

§200-M. Accidental Drug Overdose Death Review Panel

There is created, within the Office of the Attorney General, the Accidental Drug Overdose Death Review Panel, referred to in this section as "the panel," in order to recommend to state, county and local agencies methods of preventing deaths as the result of accidental drug overdoses including modification or enactment of laws, rules, policies and procedures. For purposes of this section, "accidental drug overdoses" means those overdoses that are presumed to be self-administered by an individual and excludes any overdose that occurs within a licensed health care facility.

1. Composition. The panel consists of the following members:

A. The Chief Medical Examiner, ex officio;

B. The Commissioner of Public Safety, ex officio;

C. The director of the office of behavioral health within the Department of Health and Human Services, ex officio;

D. The Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, ex officio;

E. The Chief Justice of the Supreme Judicial Court, ex officio;

F. A prosecutor, nominated by a statewide association of prosecutors and appointed by the Attorney General;

G. A police chief, nominated by a statewide association of chiefs of police and appointed by the Attorney General;

H. A sheriff, nominated by a statewide association of sheriffs and appointed by the Attorney General;

I. One or more physicians who treat substance use disorder, appointed by the Governor;

J. An emergency medical services representative, appointed by the Commissioner of Public Safety;

K. An expert in harm reduction strategies, appointed by the Governor;

L. An academic research professor with experience in reviewing drug overdose deaths, appointed by the Attorney General;

M. A representative of families affected by drug overdose deaths, appointed by the Governor;

N. A person in recovery from substance use disorder, appointed by the Governor; and

O. The director of opioid response within the Governor's Office of Policy Innovation and the Future, ex officio, who shall chair the panel.

In making appointments to the panel, the appointing authorities shall take into consideration the racial and ethnic diversity of the State.

2. Designees; terms of office. An ex officio member may appoint a designee to represent the ex officio member on the panel. A designee, once appointed, qualifies as a full voting member of the panel and may hold office and enjoy all the other rights and privileges of full membership on the panel. Appointed members of the panel shall serve for a term of 3 years. Any vacancy on the panel must be filled in the same manner as the original appointment but for the unexpired term.

3. Meetings. The panel shall meet at such time or times as may be reasonably necessary to carry out its duties, but it shall meet at least twice per year. The panel's chair shall call the first meeting before July 1, 2021.

4. Powers and duties. The panel shall examine a subset of the deaths associated with accidental drug overdoses, taking into consideration the racial and ethnic composition of the population of individuals whose deaths are associated with an accidental drug overdose. The deaths selected for review must be recommended by the Chief Medical Examiner or the Chief Medical Examiner's designee or by an individual with whom the Office of the Attorney General contracts for services. Notwithstanding any provision of law to the contrary, the panel may review information surrounding an accidental drug overdose that was not fatal, as long as review of such a case promotes the purpose of the panel under this section. The panel shall recommend to state, county and local agencies methods of

preventing deaths as the result of accidental drug overdoses including modification or enactment of laws, rules, policies and procedures.

5. Access to information, records and materials. In any case subject to review by the panel, upon oral or written request of the panel, notwithstanding any provision of law to the contrary, any person that possesses information or records that are necessary and relevant to a panel review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection.

6. Confidentiality. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Office of the Attorney General shall disclose conclusions of the panel upon request, but may not disclose information, records or data that are otherwise classified as confidential.

7. Noninterference. A review by the panel under this section is subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to Title 5, section 200-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.