

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HOUSE BILL 2493

AN ACT

AMENDING TITLE 36, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; RELATING TO DRUG OVERDOSE DEATHS.

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

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

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

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

38 C. THE REVIEW TEAM SHALL:

- 39 1. DEVELOP A DRUG OVERDOSE FATALITIES DATA COLLECTION SYSTEM.
- 40 2. CONDUCT AN ANNUAL ANALYSIS ON THE INCIDENCE AND CAUSES OF DRUG
41 OVERDOSE FATALITIES IN THIS STATE DURING THE PRECEDING FISCAL YEAR.
- 42 3. ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF LOCAL DRUG OVERDOSE
43 FATALITY REVIEW TEAMS.
- 44 4. DEVELOP STANDARDS AND PROTOCOLS FOR LOCAL DRUG OVERDOSE FATALITY
45 REVIEW TEAMS AND PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO THESE TEAMS.

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

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

8 7. EDUCATE THE PUBLIC REGARDING THE INCIDENCE AND CAUSES OF DRUG
9 OVERDOSE FATALITIES AS WELL AS THE PUBLIC'S ROLE IN PREVENTING THESE
10 DEATHS.

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

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

15 E. THE DEPARTMENT OF HEALTH SERVICES SHALL PROVIDE PROFESSIONAL AND
16 ADMINISTRATIVE SUPPORT TO THE TEAM.

17 36-198.01. Access to information; confidentiality; violation;
18 classification

19 A. ON REQUEST OF THE CHAIRPERSON OF THE DRUG OVERDOSE FATALITY
20 REVIEW TEAM OR A LOCAL TEAM AND AS NECESSARY TO CARRY OUT THE TEAM'S
21 DUTIES, THE CHAIRPERSON SHALL BE PROVIDED, WITHIN FIVE DAYS EXCLUDING
22 WEEKENDS AND HOLIDAYS, WITH ACCESS TO INFORMATION AND RECORDS REGARDING A
23 DRUG OVERDOSE FATALITY THAT IS BEING REVIEWED BY THE TEAM OR REGARDING THE
24 PERSON WHO OVERDOSED ON DRUGS. THE TEAM MAY REQUEST THE INFORMATION AND
25 RECORDS FROM ANY OF THE FOLLOWING:

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

27 2. THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT MIGHT
28 ASSIST THE TEAM IN REVIEWING THE FATALITY.

29 B. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING
30 ATTORNEY, MAY WITHHOLD FROM A REVIEW TEAM INVESTIGATIVE RECORDS THAT MIGHT
31 INTERFERE WITH A PENDING CRIMINAL INVESTIGATION OR PROSECUTION.

32 C. THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES OR THE
33 DIRECTOR'S DESIGNEE MAY APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS
34 NECESSARY TO COMPEL THE PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER
35 EVIDENCE RELATED TO THE PERSON WHO OVERDOSED ON DRUGS. SUBPOENAS ISSUED
36 UNDER THIS SUBSECTION SHALL BE SERVED AND, ON APPLICATION TO THE COURT BY
37 THE DIRECTOR OR THE DIRECTOR'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED
38 BY LAW FOR THE SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT
39 AGENCY IS NOT REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE
40 SUBPOENA IF THE SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL
41 INVESTIGATION OR PROSECUTION. ALL RECORDS SHALL BE RETURNED TO THE AGENCY
42 OR ORGANIZATION ON COMPLETION OF THE REVIEW. THE REVIEW TEAM MAY NOT KEEP
43 WRITTEN REPORTS OR RECORDS CONTAINING IDENTIFYING INFORMATION.

44 D. ALL INFORMATION AND RECORDS ACQUIRED BY THE DRUG OVERDOSE
45 FATALITY REVIEW TEAM OR ANY LOCAL TEAM ARE CONFIDENTIAL AND ARE NOT

1 SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL
2 OR CRIMINAL PROCEEDING, EXCEPT THAT INFORMATION, DOCUMENTS AND RECORDS
3 THAT ARE OTHERWISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM
4 SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES
5 SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY A TEAM PURSUANT TO
6 THIS ARTICLE.

7 E. MEMBERS OF A TEAM, PERSONS ATTENDING A TEAM MEETING AND PERSONS
8 WHO PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR
9 CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR OPINIONS FORMED
10 AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT PREVENT A PERSON FROM
11 TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF THE TEAM OR
12 THAT IS PUBLIC INFORMATION.

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

16 G. MEETINGS OF THE DRUG OVERDOSE FATALITY REVIEW TEAM OR A LOCAL
17 TEAM ARE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,
18 ARTICLE 3.1 IF THE TEAM IS REVIEWING INFORMATION ON AN INDIVIDUAL WHO
19 OVERDOSED ON DRUGS. ALL OTHER TEAM MEETINGS ARE OPEN TO THE PUBLIC.

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