
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1308 Session of
2021

INTRODUCED BY SCHLOSSBERG, FREEMAN, GUENST, HILL-EVANS,
HOHENSTEIN, HOWARD, KENYATTA, MADDEN, SAMUELSON AND SANCHEZ,
APRIL 30, 2021

REFERRED TO COMMITTEE ON HUMAN SERVICES, APRIL 30, 2021

AN ACT

1 Providing for establishment of overdose fatality review teams,
2 for duties of Department of Health, for confidentiality of
3 overdose fatality review team records and criminal and civil
4 liability protections.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Overdose
9 Fatality Review Act.

10 Section 2. Declaration of purpose.

11 The General Assembly finds and declares that the purpose of
12 this act is to authorize local communities to establish overdose
13 fatality review teams as multidisciplinary teams assembled to
14 conduct confidential reviews of overdose death cases in
15 compliance with all applicable Federal and State laws regarding
16 confidentiality.

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "County." A county of the first class, second class, second
4 class A, third class, fourth class, fifth class, sixth class,
5 seventh class and eighth class.

6 "Deceased individual." An individual who died from a drug
7 overdose event.

8 "Department." The Department of Health of the Commonwealth.

9 "Local department of health." Any of the following:

10 (1) A local department of health established by a
11 municipality.

12 (2) A single-county department of health or joint-county
13 department of health established under the act of August 24,
14 1951 (P.L.1304, No.315), known as the Local Health
15 Administration Law.

16 "Municipality." A county, city, borough, incorporated town
17 or township.

18 "Overdose." A drug or alcohol overdose.

19 "Overdose fatality review team." An overdose fatality review
20 team established under section 4(a).

21 Section 4. Establishment of overdose fatality review teams.

22 (a) Establishment.--A local department of health shall
23 establish an overdose fatality review team for the purposes
24 specified under this act. The overdose fatality review team
25 shall consist of the following individuals selected by the local
26 department of health:

27 (1) An individual licensed as a physician or an
28 osteopathic physician who practices as a psychiatrist.

29 (2) An individual licensed as a psychologist.

30 (3) A county coroner or medical examiner.

1 (4) A health care provider who specializes in the
2 prevention, diagnosis and treatment of substance abuse
3 disorders.

4 (5) A local behavioral health director or designee.

5 (6) A local representative of an emergency medical
6 services provider.

7 (7) An individual with a background in prescription drug
8 misuse and diversion.

9 (8) An individual who is a member of the education
10 community with experience related to existing and potential
11 substance abuse disorders and overdose prevention efforts for
12 students in primary and secondary schools.

13 (9) An individual who is a member of the law enforcement
14 community with experience related to existing and potential
15 substance abuse disorders and overdose prevention efforts for
16 individuals who are involved with the law enforcement system.

17 (10) A representative of an organization that advocates
18 for individuals with substance abuse disorders and their
19 family members.

20 (11) Any other individual deemed necessary by the local
21 department of health to administer the overdose fatality
22 review team's duties under this act, including an individual
23 with experience and knowledge regarding health, social
24 services, law enforcement, education, emergency medicine,
25 mental health, juvenile delinquency, adult and juvenile
26 probation or drug and alcohol abuse.

27 (b) Duties.--An overdose fatality review team shall have all
28 of the following duties:

29 (1) Upon receipt of a report of an overdose death that
30 has been forwarded to the overdose fatality review team,

1 conduct a multidisciplinary review of all available
2 information on the deceased individual.

3 (2) Establish policies and procedures for pooling all
4 available information on overdose deaths from State, county
5 and local agencies, law enforcement and private entities that
6 comply with all applicable Federal and State laws regarding
7 confidentiality.

8 (3) Identify points of contact between the deceased
9 individual and health care systems, social services systems,
10 criminal justice systems and other systems involved with the
11 deceased individual.

12 (4) Identify the risk factors that put individuals at
13 risk for an overdose within the overdose fatality review
14 team's jurisdiction.

15 (5) Promote cooperation and coordination across State,
16 county and local agencies involved in overdose
17 investigations.

18 (6) Recommend improvements in sources of information
19 relating to investigating reported overdose deaths, including
20 standards for the uniform and consistent reporting of
21 overdose deaths by law enforcement or other emergency service
22 responders within the overdose fatality review team's
23 jurisdiction.

24 (7) Recommend improvements to State laws and local
25 partnerships, policies and practices to prevent overdose
26 deaths.

27 (c) Chair, vacancies and meetings.--An overdose fatality
28 review team shall select a chair by a majority vote of a quorum
29 of the overdose fatality review team's members. A majority of
30 the overdose fatality review team's members shall constitute a

1 quorum. The overdose fatality review team shall meet at least
2 quarterly to conduct business and review overdose fatality cases
3 transmitted to the overdose fatality review team. A vacancy in
4 the overdose fatality review team shall be filled in accordance
5 with subsection (a).

6 (d) Interviews.--If an overdose fatality review team opts to
7 contact a family member or caregiver of the deceased individual
8 to conduct an interview with the family member or caregiver, the
9 overdose fatality review team shall develop protocols for
10 initiating the contact and conducting the interview. The
11 protocols shall be based on trauma-informed care principles and
12 address all of the following:

13 (1) The overdose fatality review team's collection, use
14 and disclosure of information and records to the family
15 member or caregiver.

16 (2) Providing notice to the family member or caregiver
17 that the interview is voluntary.

18 (3) Ensuring that information attained from the
19 interview is confidential.

20 (e) Annual report.--An overdose fatality review team shall
21 summarize and share priority recommendations and aggregated,
22 nonindividually identifiable findings in an annual report. A
23 local department of health shall publish the annual report under
24 this subsection on the local department of health's publicly
25 accessible Internet website for use by staff for a variety of
26 purposes, including evaluations, policy considerations and
27 health care program enhancements. The annual report under this
28 section shall comply with confidentiality requirements under
29 section 6(b).

30 Section 5. Duties of department.

1 The department, in collaboration with the Department of Drug
2 and Alcohol Programs, shall have all of the following duties:

3 (1) Assist in collecting the reports of an overdose
4 fatality review team.

5 (2) Provide technical assistance to an overdose fatality
6 review team in conducting overdose death reviews.

7 (3) Facilitate communication among overdose fatality
8 review teams.

9 (4) Transmit available information to an appropriate
10 overdose fatality review team regarding an overdose death in
11 the overdose fatality review team's jurisdiction, including
12 all of the following information:

13 (i) The deceased individual's age, race, gender,
14 county of residence and county of death.

15 (ii) The date, manner, cause and specific
16 circumstances of the overdose death as recorded on the
17 deceased individual's completed death certificate.

18 (5) Provide an overdose fatality review team access to
19 all of the following:

20 (i) Information and records maintained by a health
21 care provider related to the deceased individual's
22 physical health, mental health and substance abuse
23 disorder treatment.

24 (ii) Any relevant information and records maintained
25 by a State or local agency, including any of the
26 following:

27 (A) The deceased individual's criminal history
28 records and records of probation and parole if the
29 transmission of the records does not affect an
30 ongoing criminal investigation.

1 (B) The deceased individual's access to various
2 lethal means, social service records, school records
3 and educational histories and coroner or medical
4 examiner records, including autopsy and toxicology
5 reports.

6 (6) Promulgate regulations necessary to implement this
7 act.

8 Section 6. Confidentiality of overdose fatality review team
9 records.

10 (a) Meetings.--An overdose fatality review team meeting
11 shall be closed to the public and information discussed at the
12 meeting shall be deemed confidential.

13 (b) Records.--The proceedings, records and opinions reviewed
14 by an overdose fatality review team shall remain confidential
15 and may not be disclosed under the act of February 14, 2008
16 (P.L.6, No.3), known as the Right-to-Know Law. The proceedings,
17 records and opinions of an overdose fatality review team shall
18 be confidential and may not be subject to discovery, subpoena or
19 introduction into evidence in a criminal or civil proceeding. A
20 member of an overdose fatality review team may not be questioned
21 in a criminal or civil proceeding regarding information
22 presented in or opinions formed as a result of a meeting of the
23 overdose fatality review team. Nothing in this subsection shall
24 be construed to prevent a member of an overdose fatality review
25 team from testifying in a criminal or civil proceeding to
26 information obtained independently of the overdose fatality
27 review team or which is public information.

28 Section 7. Criminal and civil liability protections.

29 An individual who, in good faith, participates as a member of
30 an overdose fatality review team or provides information to

1 achieve the duties of an overdose fatality review team may not
2 be subject to criminal or civil liability as a result of the
3 participation or information.

4 Section 8. Effective date.

5 This act shall take effect in 30 days.