

# MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (S-488) (LD 2153 2020)

Date: 9/1/2020



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**JUDICIARY**

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**STATE OF MAINE  
SENATE  
129TH LEGISLATURE  
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 779, L.D. 2153, Bill, “An Act To Establish an Accidental Drug Overdose Death Review Panel”

Amend the bill in section 1 in §200-M in the first indented paragraph in the last line (page 1, line 19 in L.D.) by adding at the end the following: '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.'

Amend the bill in section 1 in §200-M by striking out all of subsection 1 (page 1, lines 20 to 35 and page 2, lines 1 to 11 in L.D.) and inserting the following:

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

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

- 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;

**COMMITTEE AMENDMENT**

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

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

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

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

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

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

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

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

16 Amend the bill in section 1 in §200-M in subsection 3 in the last line (page 2, line 20  
17 in L.D.) by striking out the following: "July 1, 2020" and inserting the following: 'January  
18 1, 2021'

19 Amend the bill in section 1 in §200-M in subsection 4 in the 2nd line (page 2, line 22  
20 in L.D.) by striking out the following: "overdoses." and inserting the following:  
21 'overdoses, taking into consideration the racial and ethnic composition of the population  
22 of individuals whose deaths are associated with an accidental drug overdose.'

23 Amend the bill in section 1 in §200-M in subsection 5 in the first to 4th lines (page 2,  
24 lines 31 to 34 in L.D.) by striking out the following: "The panel may request and receive  
25 confidential criminal history record information as defined by Title 16, section 703,  
26 subsection 2 and public criminal history record information as defined by Title 16,  
27 section 703, subsection 8 from the Department of Public Safety."

28 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
29 section number to read consecutively.

30 **SUMMARY**

31 This amendment changes the provisions of the bill establishing the Accidental Drug  
32 Overdose Review Panel to: update the name of the office of behavioral health in the  
33 Department of Health and Human Services; limit the representation of families affected  
34 by drug overdose deaths to one member; add a member who is a person in recovery from  
35 substance use disorder, to be appointed by the Governor; and remove the provision  
36 authorizing the Attorney General and the Governor to appoint additional members. This  
37 amendment also requires that the appointments to the panel take into consideration the  
38 racial and ethnic diversity of the State.

39 The amendment changes the date by which the first meeting is to be convened from  
40 July 1, 2020 to January 1, 2021.

1           The amendment provides that when the subset of all drug overdoses is selected for  
2 review, the racial and ethnic composition of the population of individuals associated with  
3 those deaths must be considered.

4           The amendment defines "accidental drug overdoses" to mean overdoses that are  
5 presumed to be self-administered by individuals and excludes any overdose that occurs  
6 within a licensed health care facility. Overdoses in licensed health care facilities are  
7 currently subject to review as sentinel events under the Maine Revised Statutes, Title 22,  
8 chapter 1684.

9           The amendment removes the authority of the panel to request and receive  
10 confidential criminal history record information.



# 129th MAINE LEGISLATURE

LD 2153

LR 3253(02)

## An Act To Establish an Accidental Drug Overdose Death Review Panel

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Judiciary**

**Fiscal Note Required: Yes**

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### Fiscal Note

Minor cost increase - General Fund

#### **Fiscal Detail and Notes**

Additional costs to the Department of Health and Human Services, the Department of Public Safety, the Office of the Attorney General, the Governor's Office and the Judicial Branch to serve on the Accidental Drug Overdose and Review panel or provide information can be absorbed within existing budgeted resources.