

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2153

S.P. 779

In Senate, March 12, 2020

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

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CARPENTER of Aroostook. (GOVERNOR'S BILL)

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

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

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

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

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

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

14 **§200-M. Accidental Drug Overdose Death Review Panel**

15 There is created, within the Office of the Attorney General, the Accidental Drug
16 Overdose Death Review Panel, referred to in this section as "the panel," in order to
17 recommend to state, county and local agencies methods of preventing deaths as the result
18 of accidental drug overdoses including modification or enactment of laws, rules, policies
19 and procedures.

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

21 A. The Chief Medical Examiner, ex officio;

22 B. The Commissioner of Public Safety, ex officio;

23 C. The director of the office of substance abuse and mental health services within the
24 Department of Health and Human Services, ex officio;

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

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

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

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

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

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

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

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

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

6 M. One or more representatives of families affected by drug overdose deaths,
7 appointed by the Governor; and

8 N. The director of opioid response within the Governor's Office of Policy Innovation
9 and the Future, who shall chair the panel.

10 The Attorney General and the Governor may each appoint additional members of the
11 panel.

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

18 **3. Meetings.** The panel shall meet at such time or times as may be reasonably
19 necessary to carry out its duties, but it shall meet at least twice per year. The panel's chair
20 shall call the first meeting before July 1, 2020.

21 **4. Powers and duties.** The panel shall examine a subset of the deaths associated
22 with accidental drug overdoses. The deaths selected for review must be recommended by
23 the Chief Medical Examiner or the Chief Medical Examiner's designee or by an
24 individual with whom the Office of the Attorney General contracts for services.
25 Notwithstanding any provision of law to the contrary, the panel may review information
26 surrounding an accidental drug overdose that was not fatal, as long as review of such a
27 case promotes the purpose of the panel under this section. The panel shall recommend to
28 state, county and local agencies methods of preventing deaths as the result of accidental
29 drug overdoses including modification or enactment of laws, rules, policies and
30 procedures.

31 **5. Access to information, records and materials.** The panel may request and
32 receive confidential criminal history record information as defined by Title 16, section
33 703, subsection 2 and public criminal history record information as defined by Title 16,
34 section 703, subsection 8 from the Department of Public Safety. In any case subject to
35 review by the panel, upon oral or written request of the panel, notwithstanding any
36 provision of law to the contrary, any person that possesses information or records that are
37 necessary and relevant to a panel review shall as soon as practicable provide the panel
38 with the information and records. Persons disclosing or providing information or records
39 upon request of the panel are not criminally or civilly liable for disclosing or providing
40 information or records in compliance with this subsection.

