

HOUSE BILL NO. 1153

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAWAN.

2312H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto seven new sections relating to preventing drug overdoses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto seven new sections, to
2 be known as sections 191.485, 191.486, 191.487, 191.488, 191.489, 191.490, and 191.491, to
3 read as follows:

**191.485. As used in sections 191.485 to 191.491, "local team" means the
2 multidisciplinary and multiagency drug overdose fatality review team established for a
3 county.**

**191.486. 1. Notwithstanding subsection 2 of this section, there may be a
2 multidisciplinary and multiagency drug overdose fatality review team in each county.**

**2. Instead of a local team in each county, two or more counties may agree to
3 establish a single multicounty local team.**

**3. A multicounty local team shall execute a memorandum of understanding on
4 membership, staffing, and operation.**

**(1) The local team membership shall be drawn, if available, from the following
5 individuals, organizations, agencies, and areas of expertise:**

(a) The county health officer, or the officer's designee;

**(b) The director of the department of health and senior services, or the director's
6 designee;**

(c) The Missouri attorney general, or the attorney general's designee;

(d) The superintendent of schools, or the superintendent's designee;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14 (e) A state, county, or municipal law enforcement officer;
15 (f) The director of behavioral health services in the county, or the director's
16 designee;
17 (g) An emergency medical services provider in the county;
18 (h) A representative of a hospital;
19 (i) A health care professional who specializes in the prevention, diagnosis, and
20 treatment of substance use disorders;
21 (j) A representative of a local jail or detention center;
22 (k) A representative from parole, probation, and community corrections;
23 (l) A representative from the department of social services, division of youth
24 services;
25 (m) A member of the public with interest and expertise in the prevention and
26 treatment of drug overdose deaths, appointed by the county health officer; and
27 (n) Any other individual necessary for the work of the local team, recommended
28 by the local team and appointed by the county health officer.

29 (2) Each local team shall elect a chair from among its members.

191.487. Each local team shall attempt to prevent drug overdose deaths by:

- 2 (1) Promoting cooperation and coordination among agencies involved in
3 investigations of drug overdose deaths or in providing services to surviving family
4 members;
5 (2) Developing an understanding of the causes and incidence of drug overdose
6 deaths in the county;
7 (3) Developing plans for and recommending changes within the agencies
8 represented on the local team to prevent drug overdose deaths; and
9 (4) Advising the department of health and senior services on changes to law, policy,
10 or practice, including the use of devices that are programmed to dispense medications on
11 a schedule or similar technology, to prevent drug overdose deaths.

191.488. 1. Each local team shall:

- 2 (1) In consultation with the department, establish and implement a protocol for the
3 local team;
4 (2) Set as its goal the investigation of drug overdose deaths in accordance with
5 national standards;
6 (3) Meet at least quarterly to review the status of drug overdose death cases and
7 information on nonfatal overdoses, recommend actions to improve coordination of services
8 and investigations among member agencies, and recommend actions within the member
9 agencies to prevent drug overdose deaths;

- 10 (4) Collect and maintain data as required by the department; and
11 (5) Provide requested reports to the department, including:
12 (a) Discussion of individual cases;
13 (b) Steps taken to improve coordination of services and investigations;
14 (c) Steps taken to implement changes recommended by the local team within
15 member agencies; and
16 (d) Recommendations on needed changes to state and local laws, policies, or
17 practices to prevent drug overdose deaths.

18 2. In addition to the duties specified in subsection 1 of this section, a local team may
19 investigate the information and records of an individual convicted of a crime or
20 adjudicated as having committed a delinquent act that caused a death or near fatality as
21 described in section 191.489.

191.489. On request of the chair of a local team and as necessary to carry out the
2 purpose and duties of the local team, the local team shall be immediately provided with:

- 3 (1) Access to information and records, including information about physical health,
4 mental health, and treatment for substance abuse, maintained by a health care provider
5 for:
6 (a) An individual whose death or near fatality is being reviewed by the local team;
7 or
8 (b) An individual convicted of a crime or adjudicated as having committed a
9 delinquent act that caused a death or near fatality.
10 (2) Access to information and records maintained by the state or local government
11 agency, including death certificates, law enforcement investigative information, medical
12 examiner investigative information, parole and probation information and records, and
13 information and records for a social services agency, if the agency provided services to:
14 (a) An individual whose death or near fatality is being reviewed by the local team;
15 (b) An individual convicted of a crime or adjudicated as having committed a
16 delinquent act that caused a death or near fatality; or
17 (c) The family of an individual described in subparagraph (a) or (b) of subdivision
18 (2) of subsection 1 of this section; and
19 (3) Substance abuse treatment records requested or provided under this section are
20 subject to any additional limitations on disclosure or re-disclosure of a medical record
21 developed in connection with the provision of substance abuse treatment services under
22 state law of 42 U.S.C. Section 290DD-2 and 42 C.F.R. Part 2.

191.490. 1. Meetings of local teams shall be closed to the public and are not subject to chapter 610 when the local teams are discussing individual cases of overdose or drug overdose deaths.

2. Except as provided in subsection 3 of this section, meetings of local teams shall be open to the public and are subject to chapter 610 when the local team is not discussing individual cases of overdose or drug overdose deaths.

3. During a public meeting, information may not be disclosed that identifies:

(1) A deceased individual;

(2) An individual who has experienced an overdose;

(3) A family member, guardian, or caretaker of a deceased individual or an individual who has experienced an overdose; or

(4) An individual convicted of a crime or adjudicated as having committed a delinquent act that caused a death or near fatality.

4. This section does not prohibit a local team from requesting the attendance at a team meeting of a person who has information relevant to the team's exercise of its purpose and duties.

5. A person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding five hundred dollars, imprisonment not exceeding ninety days, or both.

191.491. 1. Subject to subsection 2 of this section, all information and records acquired by a local team in the exercise of its purpose and duties under this section are confidential, exempt from disclosure under chapter 610, and may be disclosed only as necessary to carry out the team's purpose and duties.

2. Mental health records are subject to the additional limitations under state law for disclosure of a medical record developed primarily in connection with the provision of mental health services.

3. Substance abuse treatment records are subject to any limitations for disclosure or re-disclosure of a medical record developed in connection with the provision of substance abuse treatment services under state law or 42 U.S.C. Section 290DD-2 and 42 C.F.R. Part 2.

4. Statistical compilations of data that do not contain any information that would permit the identification of any person to be ascertained are public records.

5. Reports of a local team that do not contain any information that would permit the identification of any person to be ascertained are public information.

6. Except as necessary to carry out a local team's purpose and duties, members of a local team and persons attending a local team may not disclose:

18 **(1) What transpired at a meeting that is not public under section 191.490; or**

19 **(2) Any information the disclosure of which is prohibited by this section.**

20 **7. Members of a local team, persons attending a local team meeting, and persons**
21 **who present information to a local team shall not be questioned in any civil or criminal**
22 **proceeding about information presented in or opinions formed as a result of a meeting.**
23 **This subsection does not prohibit a person from testifying to information that is obtained**
24 **independently of a local team or that is public information.**

25 **8. Except as provided in subsection 9 of this section, information, documents, or**
26 **records of a local team are not subject to subpoena, discovery, or introduction into**
27 **evidence in any civil or criminal proceeding.**

28 **9. Information, documents, or records otherwise available from other sources are**
29 **not immune from subpoena, discovery, or introduction into evidence through those sources**
30 **solely because they were presented during proceedings of a local team or are maintained**
31 **by a local team.**

32 **10. A person who violates this section is guilty of a misdemeanor and, on conviction,**
33 **is subject to a fine not exceeding five hundred dollars, imprisonment not exceeding ninety**
34 **days, or both.**

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