

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2069

By: Coates

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6 AS INTRODUCED

7 An Act relating to public health and safety; stating
8 legislative intent; directing the State Department of
9 Health to promulgate rules, procedures and forms for
10 collection of certain data; directing all deaths be
11 evaluated and reported for certain purpose;
12 evaluating contributing factors of drugs or alcohol
13 in deaths; requiring State Department of Health to
14 compile certain report; directing delivery of certain
15 annual report to certain persons by certain date;
16 limiting term for making certain reports; requiring
17 confidentiality of information on deceased persons;
18 allowing use of certain information for education and
19 resource allocation purposes; listing persons
20 required to report certain information; directing use
21 of certain form for reporting information; stating
22 time for officials to complete report; allowing one
23 form per deceased person; allowing multiple officials
24 to report on single form; defining term; excluding
requirement for certain conduct by reporting
officials; providing exception for professional
duties; allowing reported information to be different
from death certificate cause of death; stating
certain basis for reporting information; allowing
certain opinion to be reported; providing for
reporting other causes of death; directing use of
certain information reported on deaths by natural or
other causes; giving State Department of Health
discretion to make certain analysis or comparisons
for statistical purposes; making certain reports
confidential and not public record; determining what
record is a public record; allowing Health Care
Information Advisory Committee to assist with certain
records; granting immunity from civil liability;
providing for noncodification; providing for

1 codification; providing an effective date; and
2 declaring an emergency.

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4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law not to be
6 codified in the Oklahoma Statutes reads as follows:

7 The Legislature finds that when its citizens and youth are
8 recklessly using, addicted to, or abusing drugs, alcohol or any
9 combination thereof, the state loses vital productivity and
10 resources and families suffer. Addiction often results in increased
11 health care costs, loss of income and employment, death of loved
12 ones, harm to innocent persons by tragic accidents or violence, or
13 incarceration. The citizens of this state need education and
14 information concerning the rampant spread of illegal drugs
15 throughout this state and the devastating affects of abusing drug
16 and alcohol. By determining and addressing the widespread use of
17 drugs and alcohol, the wellbeing of this state can be improved. In
18 order to demonstrate the deadly and costly affects of drug and
19 alcohol abuse, the Legislature declares that all deaths in this
20 state should be evaluated for any contributing factor relating to
21 drugs, alcohol, or any combination thereof. The Legislature intends
22 to collect information for use in educating the public and assisting
23 the state in allocating and reallocating resources to prevent and
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1 treat substance abuse and reduce the number of deaths where drugs or
2 alcohol are contributing factors.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-130 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The State Department of Health shall promulgate rules,
7 procedures and forms for the collection of data on all deaths
8 occurring in this state, and specifically on those deaths directly
9 or indirectly related to drugs, alcohol, or any combination thereof.
10 The collected data shall be compiled by the State Department of
11 Health into a statistical report to be delivered to the Governor,
12 President Pro Tempore of the Senate, the Speaker of the House of
13 Representatives, and the State Board of Funeral Directors by
14 November 1 of each year beginning November 1, 2011, and continuing
15 until November 1, 2017. The information published in the annual
16 reports shall keep private and confidential the names and
17 identifying information of the deceased persons whose data is
18 included in each report. The reports, in whole or in part, may be
19 used for public education purposes and for determination of state
20 and local resource allocation for drug and alcohol prevention or
21 treatment.

22 B. Beginning November 1, 2010, the following persons shall be
23 required to report information relating to deaths pursuant to this
24 act:

1 1. A medical examiner upon an autopsy or other determination of
2 cause of death of any person, or upon a death being reviewed or
3 investigated by a medical examiner;

4 2. A funeral director or embalmer upon receiving or preparing a
5 dead body for burial, cremation, or transport;

6 3. The administrator of a hospital or other medical facility
7 upon the death of any patient in the facility, or upon any person
8 determined to be dead upon arrival to the facility;

9 4. A physician, nurse or emergency medical care provider
10 following the death of a person under his or her care, or upon a
11 determination that a person being examined was dead upon arrival;
12 and

13 5. The sheriff, peace officer or municipal police officer
14 investigating any traffic violation, accident, homicide, suicide, or
15 other incident where a person has died.

16 C. Each person required to report information pursuant to this
17 act shall do so on a form prescribed by the State Department of
18 Health, and the form must be completed by the official not later
19 than the time the dead body leaves his or her control. Only one
20 form shall be completed for a deceased person; provided, however,
21 the form may have multiple sections or provisions requiring more
22 than one reporting official to report information about the death,
23 and by rule such form may be required to accompany the dead body
24 until final burial, cremation or transport out of state at which

1 time the completed form shall be mailed to the State Department of
2 Health for analysis and inclusion in the annual statistical report
3 pursuant to this act.

4 D. For purposes of this act, "directly or indirectly related to
5 drugs, alcohol or any combination thereof" means:

6 1. The death of the person was a direct result of any type of
7 legal or illegal injection, ingestion, inhalation, or absorption
8 into the human body of a drug, alcohol, or any combination thereof
9 that resulted in:

- 10 a. death by overdose,
- 11 b. death from allergic reaction,
- 12 c. death from contamination or poisoning,
- 13 d. death from organ failure,
- 14 e. death by heart attack or stroke,
- 15 f. death from respiratory failure or choking,
- 16 g. death due to severe nervous system or sensory
17 disturbance resulting in an accident or failure to be
18 able to protect or control self,
- 19 h. death by suicide or self inflicted injury; or
- 20 i. death from illness, disease, or natural causes
21 precipitated by a chronic condition of drug or alcohol
22 use, or a combination thereof; or

23 2. While the person was legally prescribed or using, or
24 illegally using, or under the influence of, any drug, alcohol or any

1 combination thereof, such person caused the death of another person
2 by:

- 3 a. traffic accident,
- 4 b. accident, other than a traffic accident,
- 5 c. homicide,
- 6 d. criminal act, other than homicide,
- 7 e. administering, providing, or giving a drug, alcohol or
8 any combination thereof to the deceased; and

9 3. "Drug or drugs" means articles:

- 10 a. recognized by the United States Pharmacopoeia,
11 official Homeopathic Pharmacopoeia of the United
12 States, or official National Formulary, or any
13 supplement to any of these,
- 14 b. intended for use in the diagnosis, cure, mitigation,
15 treatment or prevention of disease in man or other
16 animals,
- 17 c. other than food, intended to affect the structure or
18 any function of the body of man or animal,
- 19 d. including any substance listed as a controlled
20 dangerous substances under the Uniform Controlled
21 Dangerous Substances Act,
- 22 e. including any substance capable of being injected,
23 ingested, inhaled, or absorbed into the human body and
24 which is capable of adversely affecting the central

1 nervous system, vision, hearing or other sensory or
2 motor functions, or emotions,

3 f. including any substance manufactured or sold as an
4 over-the-counter medication or any benign substance
5 which is capable of becoming an intoxicating,
6 hallucinogenic, or lethal substance when taken in
7 excessive quantities or when combined with another
8 substance, and

9 g. including any substance not produced for human
10 consumption which adversely affects the functioning of
11 the human body upon being ingested or absorbed.

12 E. The data collected on the forms prescribed pursuant to this
13 act shall not require the officials stated in subsection B of this
14 section to make any medical or legal conclusion, conduct an autopsy
15 or examination, evaluate any toxicology report or medical diagnosis,
16 or conduct any special investigation into the death, unless
17 otherwise required in the course of a professional duty or
18 responsibility to do so. The information reported pursuant to this
19 act shall not be required to match the cause of death as stated on
20 the person's death certificate.

21 F. The information reported and collected for purposes of this
22 act shall be based upon:

23 1. Information known or made known to the reporting official by
24 direct or indirect means including, but not limited to,

1 examinations, tests, medical records, official reports, or
2 communications with family members, associates, or other officials;

3 2. Information obtained through a professional duty,
4 responsibility, capacity or investigation, and

5 3. Subjective opinion based upon the official's knowledge or a
6 reasonable belief that drugs, alcohol or a combination thereof was a
7 contributing factor in the death when considering:

8 a. the manner, method and circumstances of death,

9 b. the criminal, medical, or drug and alcohol history of
10 the deceased, if known,

11 c. the criminal, medical, and drug and alcohol history of
12 the person responsible for the death of another, if
13 known, or

14 d. facts, statements, communications, or other indicators
15 which a reasonable person would believe connects the
16 death directly or indirectly with drugs or alcohol.

17 G. If the official required to report information pursuant to
18 this act does not believe the use of drugs, alcohol or any
19 combination thereof was a contributing factor in the death of a
20 person or if the official determines the death is by natural or
21 other causes unrelated to drugs, alcohol or any combination thereof,
22 the official shall report the death as death by another cause as
23 stated in the form. The information on deaths deemed to have
24 occurred under other causes shall be reported to confirm the total

1 deaths in this state during the reporting year, and such information
2 may be used for analysis and comparisons made within the statistical
3 report, at the discretion of the State Department of Health.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1-130.1 of Title 63, unless
6 there is created a duplication in numbering, reads as follows:

7 A. An individual report form required by this act shall be
8 confidential and shall not be a public record as defined in the Open
9 Records Act.

10 B. After approval by the State Department of Health, the
11 compilations prepared for release from the data collected pursuant
12 to this act shall be a public record.

13 C. The Department may utilize the Health Care Information
14 Advisory Committee to assist with data collection and analysis of
15 information to be released and disseminated in the annual report
16 required by this act.

17 D. Any person who submits or receives data in good faith as
18 required under this act shall be immune from liability in any civil
19 action.

20 SECTION 4. This act shall become effective July 1, 2010.

21 SECTION 5. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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