

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4   ENGROSSED SENATE  
5   BILL NO. 391

By: Bergstrom of the Senate

and

Kendrix of the House

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10       An Act relating to public health and safety; amending  
11       63 O.S. 2021, Sections 2-1001, as amended by Section  
12       1, Chapter 91, O.S.L. 2023, and 2-1003 (63 O.S. Supp.  
13       2024, Section 2-1001), which relate to the Opioid  
14       Overdose Fatality Review Board; transferring Board  
15       duties to the Office of the Attorney General;  
16       conforming language; requiring furnishing of certain  
17       reports; providing for designation of certain duties  
18       to certain employees and contractors; repealing 63  
19       O.S. 2021, Section 2-1002, as amended by Section 1,  
20       Chapter 324, O.S.L. 2024 (63 O.S. Supp. 2024, Section  
21       2-1002), which relates to membership of the Opioid  
22       Overdose Fatality Review Board; providing an  
23       effective date; and declaring an emergency.

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

20       SECTION 1.       AMENDATORY       63 O.S. 2021, Section 2-1001, as  
21       amended by Section 1, Chapter 91, O.S.L. 2023 (63 O.S. Supp. 2024,  
22       Section 2-1001), is amended to read as follows:

23       Section 2-1001.   A.   ~~There is hereby created until July 1, 2025,~~  
24       ~~in accordance with the Oklahoma Sunset Law, the Opioid Overdose~~

1 ~~Fatality Review Board within the Department of Mental Health and~~  
2 ~~Substance Abuse Services.~~ The ~~Board~~ Attorney General shall have the  
3 power and duty to:

4 1. Coordinate and integrate state and local efforts to address  
5 overdose deaths and create a body of information to prevent overdose  
6 deaths;

7 2. Conduct case reviews of deaths of persons eighteen (18)  
8 years of age or older due to licit or illicit opioid use in this  
9 state;

10 3. Collect, analyze, and interpret state and local data on  
11 opioid overdose deaths;

12 4. Develop a state and local database on opioid overdose  
13 deaths;

14 5. Improve policies, procedures, and practices within the  
15 agencies in order to prevent fatal opioid overdoses and to serve  
16 victims of unintentional overdose; and

17 6. Enter into agreements with other state, local, or private  
18 entities as necessary to carry out the duties ~~of the Opioid Overdose~~  
19 ~~Fatality Review Board~~ under this section, including, but not limited  
20 to, conducting joint reviews with the Child Death Review Board on  
21 unintentional overdose cases involving child death and child near-  
22 death incidents.

23 B. In carrying out ~~its~~ his or her duties and responsibilities,  
24 the ~~Board~~ Attorney General shall:

1        1. Promulgate rules, if necessary, establishing criteria for  
2 identifying cases involving an opioid overdose death subject to  
3 specific, in-depth review by the ~~Board~~ Attorney General;

4        2. Conduct a specific case review of those cases where the  
5 cause of death is or may be related to overdose of opioid drugs;

6        3. Establish and maintain statistical information related to  
7 opioid overdose deaths including, but not limited to, demographic  
8 and medical diagnostic information;

9        4. Establish procedures for obtaining initial information  
10 regarding opioid overdose deaths from law enforcement agencies;

11       5. Review the policies, practices, and procedures of medical  
12 systems and law enforcement systems and other overdose protection  
13 and prevention systems, and make specific recommendations to those  
14 entities for actions necessary for the improvement of the system;

15       6. Request and obtain a copy of all records and reports  
16 pertaining to an adult whose case is under review including, but not  
17 limited to:

18           a. the report of the medical examiner,

19           b. hospital records,

20           c. school records,

21           d. court records,

22           e. prosecutorial records,

23           f. local, state, and federal law enforcement records

24           including, but not limited to, the Oklahoma State

Bureau of Investigation (OSBI) and Oklahoma State  
Bureau of Narcotics and Dangerous Drugs Control (OBN),  
g. fire department records,  
h. State Department of Health records, including birth  
certificate records,  
i. medical and dental records,  
j. Department of Mental Health and Substance Abuse  
Services and other mental health records,  
k. emergency medical service records,  
l. files of the Department of Human Services, and  
m. records in the possession of the Child Death Review  
Board when conducting a joint review in accordance  
with paragraph 6 of subsection A of this section.

Confidential information or records provided to the ~~Board~~ Attorney  
General shall be maintained by the ~~Board~~ Attorney General in a  
confidential manner as otherwise required by state and federal law.  
Any person damaged by disclosure of such confidential information by  
the ~~Board~~ Attorney General or ~~its members~~ any employees or  
contractors of the Office of the Attorney General which is not  
authorized by law may maintain an action for damages, costs and  
attorney fees pursuant to The Governmental Tort Claims Act;

7. Maintain all confidential information, documents and records  
in possession of the ~~Board~~ Attorney General as confidential and not  
subject to subpoena or discovery in any civil or criminal

1 proceedings; provided however, information, documents, and records  
2 otherwise available from other sources shall not be exempt from  
3 subpoena or discovery through those sources solely because such  
4 information, documents, and records were presented to or reviewed by  
5 the ~~Board~~ Attorney General;

6 8. Conduct reviews of specific cases of opioid overdose deaths  
7 and request the preparation of additional information and reports as  
8 determined to be necessary by the ~~Board~~ Attorney General including,  
9 but not limited to, clinical summaries from treating physicians,  
10 chronologies of contact, and second-opinion autopsies;

11 9. Report, ~~if recommended by a majority vote of the Board,~~ to  
12 the Governor, the President Pro Tempore of the Senate, and the  
13 Speaker of the House of Representatives any information and guidance  
14 regarding the prevention and protection system to advise on changing  
15 trends in overdose rates, substances, methods, or any other factor  
16 impacting overdose deaths, including any systemic issue within the  
17 medical, law enforcement, or other relevant systems discovered by  
18 the ~~Board~~ Attorney General while performing ~~its~~ his or her duties;  
19 and

20 10. Exercise all incidental powers necessary and proper for the  
21 implementation and administration of ~~the Opioid Overdose Fatality~~  
22 ~~Review Board~~ this section.

23 C. ~~The review and discussion of individual cases of an opioid~~  
24 ~~overdose death shall be conducted in executive session. All other~~

~~business shall be conducted in accordance with the provisions of the~~  
~~Oklahoma Open Meeting Act.~~ All discussions of individual cases and  
any writings produced by or created for the ~~Board~~ Attorney General  
in the course of determining a remedial measure to be recommended by  
the ~~Board~~ Attorney General, as the result of a review of an  
individual case of an opioid overdose death, shall be privileged and  
shall not be admissible in evidence in any proceeding. ~~The Board~~  
~~shall periodically conduct meetings to discuss organization and~~  
~~business matters and any actions or recommendations aimed at~~  
~~improvement of the medical system or law enforcement system which~~  
~~shall be subject to the Oklahoma Open Meeting Act.~~ Part of any  
meeting of the Board may be specifically designated as a business  
meeting of the Board subject to the Oklahoma Open Meeting Act.

D. The ~~Board~~ Attorney General shall submit an annual  
statistical report on the incidence and causes of opioid overdose  
deaths in this state for which the ~~Board~~ Attorney General has  
completed ~~its~~ his or her review during the past calendar year  
including ~~its~~ his or her recommendations, if any, to the medical and  
law enforcement system. The ~~Board~~ Attorney General shall also  
prepare and make available to the public, on an annual basis, a  
report containing a summary of the activities ~~of the Board~~ relating  
to the review of opioid overdose deaths, the extent to which the  
state medical and law enforcement system is coordinated, and an  
evaluation of whether the state is efficiently discharging its

responsibilities to prevent opioid overdose deaths. The report shall be completed no later than February 1 of the subsequent year.

E. Any entity from which the Attorney General requests records in accordance with paragraph 6 of subsection B of this section shall provide the records to the Attorney General.

F. The Attorney General may assign any of the powers and duties in this section or in Section 2-1003 of this title to any of the Attorney General's assistants or employees.

SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-1003, is amended to read as follows:

Section 2-1003. A. Beginning November 1, 2018, the Center for Health Statistics of the State Department of Health shall forward to the Office of the Chief Medical Examiner on a monthly basis, copies of all death certificates of persons over eighteen (18) years of age received by the Center for Health Statistics during the preceding month whereby the cause of death was due to an overdose of licit or illicit drugs including opioids meeting the Centers for Disease Control and Prevention guidelines for opioid-related deaths.

B. The Office of the Chief Medical Examiner shall conduct an initial review of overdose death certificates in accordance with the criteria established by the ~~Opioid Overdose Fatality Review Board~~ Attorney General and refer to the ~~Board~~ Attorney General those cases that meet the criteria established by the ~~Board~~ Attorney General for specific case review.

1 C. Upon the request of the ~~Board~~ Attorney General, every entity  
2 within the medical and law enforcement system shall provide to the  
3 ~~Board~~ Attorney General any information requested by the ~~Board~~  
4 Attorney General relevant to the discharge of ~~its~~ his or her duties,  
5 unless otherwise prohibited by state or federal law.

6 SECTION 3. REPEALER 63 O.S. 2021, Section 2-1002, as  
7 amended by Section 1, Chapter 324, O.S.L. 2024 (63 O.S. Supp. 2024,  
8 Section 2-1002), is hereby repealed.

9 SECTION 4. This act shall become effective July 1, 2025.

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

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15 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
16 04/08/2025 - DO PASS.  
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