

1 ENGROSSED SENATE
2 BILL NO. 391

By: Bergstrom of the Senate

3 and

4 Kendrix of the House

5
6
7 An Act relating to public health and safety; amending
8 63 O.S. 2021, Sections 2-1001, as amended by Section
9 1, Chapter 91, O.S.L. 2023, and 2-1003 (63 O.S. Supp.
10 2024, Section 2-1001), which relate to the Opioid
11 Overdose Fatality Review Board; transferring Board
12 duties to the Office of the Attorney General;
13 conforming language; requiring furnishing of certain
14 reports; providing for designation of certain duties
15 to certain employees and contractors; repealing 63
16 O.S. 2021, Section 2-1002, as amended by Section 1,
17 Chapter 324, O.S.L. 2024 (63 O.S. Supp. 2024, Section
18 2-1002), which relates to membership of the Opioid
19 Overdose Fatality Review Board; providing an
20 effective date; and declaring an emergency.

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

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

Section 2-1001. A. ~~There is hereby created until July 1, 2025,~~
~~in accordance with the Oklahoma Sunset Law, the Opioid Overdose~~
~~Fatality Review Board within the Department of Mental Health and~~
~~Substance Abuse Services. The Board Attorney General shall have the~~
power and duty to:

- 1 1. Coordinate and integrate state and local efforts to address
2 overdose deaths and create a body of information to prevent overdose
3 deaths;
- 4 2. Conduct case reviews of deaths of persons eighteen (18)
5 years of age or older due to licit or illicit opioid use in this
6 state;
- 7 3. Collect, analyze, and interpret state and local data on
8 opioid overdose deaths;
- 9 4. Develop a state and local database on opioid overdose
10 deaths;
- 11 5. Improve policies, procedures, and practices within the
12 agencies in order to prevent fatal opioid overdoses and to serve
13 victims of unintentional overdose; and
- 14 6. Enter into agreements with other state, local, or private
15 entities as necessary to carry out the duties ~~of the Opioid Overdose~~
16 ~~Fatality Review Board~~ under this section, including, but not limited
17 to, conducting joint reviews with the Child Death Review Board on
18 unintentional overdose cases involving child death and child near-
19 death incidents.

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

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

- 1 2. Conduct a specific case review of those cases where the
2 cause of death is or may be related to overdose of opioid drugs;
- 3 3. Establish and maintain statistical information related to
4 opioid overdose deaths including, but not limited to, demographic
5 and medical diagnostic information;
- 6 4. Establish procedures for obtaining initial information
7 regarding opioid overdose deaths from law enforcement agencies;
- 8 5. Review the policies, practices, and procedures of medical
9 systems and law enforcement systems and other overdose protection
10 and prevention systems, and make specific recommendations to those
11 entities for actions necessary for the improvement of the system;
- 12 6. Request and obtain a copy of all records and reports
13 pertaining to an adult whose case is under review including, but not
14 limited to:
 - 15 a. the report of the medical examiner,
 - 16 b. hospital records,
 - 17 c. school records,
 - 18 d. court records,
 - 19 e. prosecutorial records,
 - 20 f. local, state, and federal law enforcement records
21 including, but not limited to, the Oklahoma State
22 Bureau of Investigation (OSBI) and Oklahoma State
23 Bureau of Narcotics and Dangerous Drugs Control (OBN),
 - 24 g. fire department records,

- 1 h. State Department of Health records, including birth
2 certificate records,
3 i. medical and dental records,
4 j. Department of Mental Health and Substance Abuse
5 Services and other mental health records,
6 k. emergency medical service records,
7 l. files of the Department of Human Services, and
8 m. records in the possession of the Child Death Review
9 Board when conducting a joint review in accordance
10 with paragraph 6 of subsection A of this section.

11 Confidential information or records provided to the ~~Board~~ Attorney

12 General shall be maintained by the ~~Board~~ Attorney General in a
13 confidential manner as otherwise required by state and federal law.

14 Any person damaged by disclosure of such confidential information by
15 the ~~Board~~ Attorney General or ~~its members~~ any employees or

16 contractors of the Office of the Attorney General which is not
17 authorized by law may maintain an action for damages, costs and
18 attorney fees pursuant to The Governmental Tort Claims Act;

19 7. Maintain all confidential information, documents and records
20 in possession of the ~~Board~~ Attorney General as confidential and not
21 subject to subpoena or discovery in any civil or criminal
22 proceedings; provided however, information, documents, and records
23 otherwise available from other sources shall not be exempt from
24 subpoena or discovery through those sources solely because such

1 information, documents, and records were presented to or reviewed by
2 the ~~Board~~ Attorney General;

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

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

17 10. Exercise all incidental powers necessary and proper for the
18 implementation and administration of ~~the Opioid Overdose Fatality~~
19 ~~Review Board~~ this section.

20 C. ~~The review and discussion of individual cases of an opioid~~
21 ~~overdose death shall be conducted in executive session. All other~~
22 ~~business shall be conducted in accordance with the provisions of the~~
23 ~~Oklahoma Open Meeting Act.~~ All discussions of individual cases and
24 any writings produced by or created for the ~~Board~~ Attorney General

1 in the course of determining a remedial measure to be recommended by
2 the ~~Board~~ Attorney General, as the result of a review of an
3 individual case of an opioid overdose death, shall be privileged and
4 shall not be admissible in evidence in any proceeding. ~~The Board~~
5 ~~shall periodically conduct meetings to discuss organization and~~
6 ~~business matters and any actions or recommendations aimed at~~
7 ~~improvement of the medical system or law enforcement system which~~
8 ~~shall be subject to the Oklahoma Open Meeting Act. Part of any~~
9 ~~meeting of the Board may be specifically designated as a business~~
10 ~~meeting of the Board subject to the Oklahoma Open Meeting Act.~~

11 D. The ~~Board~~ Attorney General shall submit an annual
12 statistical report on the incidence and causes of opioid overdose
13 deaths in this state for which the ~~Board~~ Attorney General has
14 completed ~~its~~ his or her review during the past calendar year
15 including ~~its~~ his or her recommendations, if any, to the medical and
16 law enforcement system. The ~~Board~~ Attorney General shall also
17 prepare and make available to the public, on an annual basis, a
18 report containing a summary of the activities ~~of the Board~~ relating
19 to the review of opioid overdose deaths, the extent to which the
20 state medical and law enforcement system is coordinated, and an
21 evaluation of whether the state is efficiently discharging its
22 responsibilities to prevent opioid overdose deaths. The report
23 shall be completed no later than February 1 of the subsequent year.

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

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

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

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

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

23 C. Upon the request of the ~~Board~~ Attorney General, every entity
24 within the medical and law enforcement system shall provide to the

1 ~~Board~~ Attorney General any information requested by the ~~Board~~
2 Attorney General relevant to the discharge of ~~its~~ his or her duties,
3 unless otherwise prohibited by state or federal law.

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

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

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

12 Passed the Senate the 17th day of March, 2025.

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14 _____
15 Presiding Officer of the Senate

16 Passed the House of Representatives the ____ day of _____,
17 2025.

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19 _____
20 Presiding Officer of the House
21 of Representatives

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