HOUSE . . . . . No. 4654

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 23, 2024.

The committee on Mental Health, Substance Use and Recovery, to whom was referred the petition (accompanied by bill, House, No. 3601) of David M. Rogers, Lindsay N. Sabadosa and Mindy Domb for legislation to maintain a public database website for fatal and nonfatal opiate overdoses, reports recommending that the accompanying bill (House, No. 4654) ought to pass.

For the committee,

ADRIAN C. MADARO.

FILED ON: 5/15/2024

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to overdose mapping.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 237 the following section:-

Section 237A. (a) When responding to and reporting on fatal and nonfatal opiate overdoses, the following individuals and entities shall record, to the extent known, information on the circumstances of the overdose: (i) emergency services providers, including, but not limited to, EMS first responders and emergency medical technicians, as defined in section 1 of chapter 111C; (ii) emergency departments, including emergency care units of acute-care hospitals and satellite emergency facilities, as defined in section 51½, and hospitals, as defined in section 52; (iii) community health centers, including, but not limited to, community behavioral health centers, as defined in section 16EE of chapter 6A; (iv) state and local law enforcement agencies, as defined in section 1 of chapter 6E; (v) fire departments, pursuant to chapter 48; (vi) coroners, including medical examiners pursuant to chapter 38; and (vii) any other individual or entity required to report such information pursuant to regulations of the department, collectively "reporting entities".

Reporting entities shall report such information to the department in a form and format determined by the department not less than 24 hours after the fatal or nonfatal opiate overdose or after receiving the incident toxicology report or autopsy report, whichever is later. The department shall promulgate regulations or issue further guidance to effectuate the purposes of this section, including, but not limited to, additional reporting entities, the type of information required to be reported and exceptions to such reporting requirements, if any.

(b) The collection, storage and release of fatal and nonfatal overdose data shall be subject to all applicable state and federal privacy requirements, including those imposed by the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, the American Recovery and Reinvestment Act of 2009, P.L. 111–5, 42 C.F.R. §§ 2.11 et seq. and 45 C.F.R. §§ 160, 162 and 164.

(c) Pursuant to section 237, the department shall maintain and regularly publish on its website data on fatal and nonfatal overdoses, including, but not limited to, the locations of overdoses based on the information collected and assembled from reporting entities; provided, however, that the department may limit data as necessary to protect the privacy and identity of individuals who experience an overdose. The department shall issue regular data reports on incidences of fatal and nonfatal overdoses in the commonwealth based on the information collected; provided however, that the department shall not include any personally identifiable information of an individual who experiences a fatal or nonfatal overdose in such reports r.

SECTION 2. Section 237A of chapter 111 of the General Laws shall take effect 1 year after the effective date of this act.