

Date of Hearing: August 16, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 67 (Seyarto) – As Amended April 24, 2023

Policy Committee:	Public Safety	Vote:	8 - 0
	Health		15 - 0

Urgency: No      State Mandated Local Program: Yes      Reimbursable: Yes

**SUMMARY:**

This bill requires a coroner or medical examiner to report an actual or suspected overdose death to the Overdose Detection Mapping Application Program (ODMAP).

Specifically, this bill:

- 1) Requires a coroner or medical examiner who evaluates an individual who, in their opinion, died as the result of an overdose as a contributing factor, to report the incident to the ODMAP managed by the Washington/Baltimore High Intensity Drug Trafficking Area program.
- 2) Requires the coroner or medical examiner to make the report no later than 72 hours after examining a deceased person. If the cause of death is preliminary and pending toxicology screens, the coroner or medical examiner must make a preliminary overdose report, and update the report when the cause of death is confirmed.
- 3) Prohibits reported overdose information from being used for a criminal investigation or prosecution.
- 4) Exempts a coroner or medical examiner from civil or criminal liability for making an overdose report in good faith.

**FISCAL EFFECT:**

Costs (local costs, General Fund) of an unknown but potentially significant amount to counties to make the required reports, potentially exceeding \$150,000 annually statewide. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

**COMMENTS:**

- 1) **Purpose.** According to the author:

Californians are falling victim to drug dealers who prey on the potency and availability of illicit drugs and opioids, like fentanyl. While each state, local, and federal departments [sic] uses its own program to track and report overdose incidents, currently, there is no uniform sharing of

overdoses that include emergency medical services agencies, coroners, and fire departments. Limited to only authorized personnel and eliminating all personal identifiable information, ODMAP provides an essential tool for first responders on the frontlines of the opioid epidemic to effectively track and address live patterns of overdoses.

- 2) **Background.** Coroners and medical examiners are responsible for conducting inquiries into the manner and cause of a person's death, including testing to determine whether the deceased person had drugs or alcohol in their system at the time of death. This bill would require a coroner or medical examiner to submit information about each death caused by or involving a drug overdose to ODMAP within 72 hours of the examination of the deceased person. If toxicology or other tests are still pending but an overdose is suspected, the coroner or medical examiner must report their preliminary conclusions to ODMAP and update the report once testing is concluded.

ODMAP is a nationwide mapping tool that collects information from participating government agencies about fatal and nonfatal drug overdoses. The goal of the program is to collect real-time data so governments can track sudden increases in overdoses and make law enforcement and public health decisions accordingly. According to ODMAP, nearly 4,000 government agencies across the country currently use the mapping tool and have reported more than 850,000 overdoses. The California Emergency Medical Services Agency subscribed to ODMAP in 2022. Additionally, some counties and law enforcement agencies in California are already subscribed to the program. Participating entities must sign a data-sharing agreement designed to protect the data entered into the mapping tool and only authorized criminal justice and public health personnel can access the data and data analysis tools.

The Department of Public Health (DPH) maintains the Overdose Surveillance Dashboard, which tracks information about state and local drug overdoses, including deaths, emergency department visits, and hospitalizations. According to the dashboard, there were 7,175 opioid-related overdose deaths in California in 2021. This is the most recent full-year data available on the dashboard, although some preliminary data from 2022 is available on other state public health websites. Supporters of this bill argue that public officials and first responders would benefit from timelier overdose information sharing through ODMAP.

- 3) **Related Legislation.** AB 1351 (Haney) would have required coroners and medical examiners to make quarterly reports to DPH about each death caused by or involving a drug overdose. AB 1351 was held on this committee's suspense file.

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