

OVERDOSE MAPPING ACT - ENACTMENT
Act of Nov. 3, 2022, P.L. 2158, No. 158
An Act

Cl. 67

Establishing the Overdose Information Network; providing for implementation and for use; and conferring powers and imposing duties on the Pennsylvania State Police.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Overdose Mapping Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Application programming interface." A set of tools, definitions and protocols for building and integrating application software and services with different software programs.

"Authorized users." Law enforcement officers and any other permitted users of the overdose information network, as determined by the Pennsylvania State Police, who are required to report overdoses and suspected overdoses to the network in accordance with this act.

"Information technology platform." As follows:

(1) The Overdose Information Network (ODIN).

(2) Any other platform approved by the Pennsylvania State Police to capture real-time overdose reporting.

"Law enforcement officer." A member of the Pennsylvania State Police, a sheriff or deputy sheriff or an individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Local leader." Any of the following:

(1) The chief executive officer of a municipality.

(2) The governing body of a municipality.

(3) The chief law enforcement officer of a municipality.

"Overdose." As follows:

(1) An acute medical condition, including severe physical illness, coma, mania, hysteria or death, which is the result of consumption or use of one or more controlled substances causing an adverse reaction.

(2) A person's condition shall be deemed an overdose if a prudent layperson would reasonably believe that the condition is in fact a drug overdose and requires immediate medical attention.

"Overdose information network" or "network." The Statewide overdose mapping and response network established under this act.

"Overdose reversal drug." A drug or device approved by the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301 et seq.) for emergency reversal of a known or suspected overdose, including naloxone hydrochloride or other similarly acting drugs approved by the United States Food and Drug Administration.

"Overdose spike." The occurrence of a significant increase in the number of confirmed or suspected overdoses in a certain time frame within a specific geographic area.

Section 3. Establishment and design.

(a) Establishment.--The Pennsylvania State Police shall launch an overdose information network for the purpose of electronically tracking known or suspected overdoses in this Commonwealth. The following apply:

(1) The network shall be administered by the Pennsylvania State Police in consultation with the Department of Health. All technical onboarding, assistance and maintenance of the overdose information network shall be provided by the Pennsylvania State Police.

(2) The overdose information network shall be accessible by authorized users.

(3) The Pennsylvania State Police, in consultation with the Department of Health, shall adopt, amend and rescind rules, regulations, guidelines and protocols for the function and administration of the network, which shall address, at a minimum, the following:

(i) The best options for maintaining the network and ensuring ease of use and online access by authorized users, including developing instructions on how to use and access the network.

(ii) The best practices for record retention within the network.

(iii) Identifying and defining roles of authorized users who have access to the network.

(iv) Spike thresholds developed by the Department of Health using relevant public health data.

(v) Any other aspect of the network's function, use or administration as may be required over time to ensure that the network meets the needs of authorized users and local leaders.

(4) The overdose information network shall send automatic and immediate overdose spike alerts to preapproved State, county and local governmental, public health and public safety leaders, which may be used to make actionable decisions in their areas of responsibility.

(5) The Pennsylvania State Police shall share examples of the spike-response framework with State, county and local leaders and support the leaders in the implementation of the responses by providing access to overdose data and useful reports based on the data.

(6) The Pennsylvania State Police shall utilize an application programming interface to connect the data in the network with the Overdose Mapping Application Program created by the Washington-Baltimore High Intensity Drug Trafficking Areas.

(7) The Pennsylvania State Police shall enter into participation agreements, data sharing agreements and other memoranda of understanding necessary to fully implement the network with other Commonwealth, county or local entities.

(b) Design.--The overdose information network shall be designed to avoid data entry duplication wherever possible, which may include using one or more application programming interfaces to transfer information about overdoses that are currently reported to active databases existing in this Commonwealth.

(c) Annual report.--The Department of Health, in conjunction with the Pennsylvania State Police, shall issue an annual report and post the report on its publicly accessible Internet website. The report must identify, at a minimum, the following information:

(1) The total number of known or suspected overdoses in each county.

(2) The total number of overdose reversal drugs administered by authorized users to known or suspected overdose victims in each county.

(3) The total number of reported overdose deaths involving any opioid or synthetic opioid in each county.

(4) The total number of reported overdose deaths involving a controlled substance other than an opioid or synthetic opioid in each county.

(5) The total number of reported overdose deaths involving fentanyl or any analogue of fentanyl or any controlled substance or counterfeit substance containing any trace of fentanyl or any analogue of fentanyl in each county.

(6) The time and geographic location of any overdose spikes.

(7) Contact information for the national drug abuse hotline, the Department of Drug and Alcohol Program's hotline and any other substance abuse treatment providers or drug rehabilitative specialists.

Section 4. Entry requirements for law enforcement.

(a) Reporting by law enforcement officers.--A law enforcement officer who encounters a known or suspected overdose shall access the overdose information network to report and document the incident in accordance with subsection (b) within 72 hours of the overdose.

(b) Information reported.--When reporting a known or suspected overdose, an authorized user shall document the following information in the overdose information network:

(1) The date and time of the overdose.

(2) The location of the overdose.

(3) The known or suspected controlled substances administered to or inhaled, ingested, imbibed or injected by the overdose victim.

(4) Whether an overdose reversal drug was administered and, if so, the type of overdose reversal drug administered, the number of doses administered and the method of administration.

(5) Whether the confirmed or suspected overdose was fatal or nonfatal.

(c) Other reporting requirements.--An authorized user's report of information about an overdose under this act does not preempt or replace any other reporting requirement applicable to the authorized user.

Section 5. Implementation.

(a) Limitation of liability.--Authorized users who report information about an overdose under this act in good faith are immune from civil liability or damages for making the report, unless their acts or omissions constitute willful and wanton misconduct.

(b) Report.--The Pennsylvania State Police shall issue a progress report to the General Assembly regarding its implementation, administration and maintenance of the overdose information network at 6 months, 12 months and 30 months after the effective date of this section. The progress report shall identify, at a minimum, the following:

(1) The costs incurred by the Pennsylvania State Police in implementing, administering and maintaining the network.

(2) A full statistical analysis of the reports of overdoses made to the network.

(3) Any instances of willful and gross noncompliance with the provisions of this act.

(4) Any recommendations for additional legislation to fulfill the purposes of this act and to combat drug trafficking, drug abuse, overdoses and overdose deaths.

Section 6. Use.

(a) Limitations.--

(1) Information about overdoses reported to the overdose information network by an authorized user other than a law enforcement officer may not be used for a criminal investigation or prosecution of any individual who satisfies the exemption from criminal liability contained in section 13.7 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act. The reporting of information about overdoses as provided for in this act does not diminish the protections afforded by section 13.7 of The Controlled Substance, Drug, Device and Cosmetic Act.

(2) The sharing of overdose incident information collected by the Overdose Information Network by, between and among governmental agencies, programs and nongovernmental organizations in order to provide or otherwise facilitate treatment related to substance use disorder or behavioral health is permissible under this act.

(b) (Reserved).

Section 7. Funding.

(a) Federal funds.--The Pennsylvania State Police shall pursue any available Federal funding to implement, administer and maintain the overdose information network as required under this act.

(b) Receipt of funding.--The Pennsylvania State Police may receive gifts, grants and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this act and expend the same or any income derived from it according to the terms of the gifts, grants or endowments.

Section 8. Effective date.

This act shall take effect in 60 days.