

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1152 Session of 2022

INTRODUCED BY MASTRIANO, ARGALL, PHILLIPS-HILL, STEFANO AND PITTMAN, MARCH 24, 2022

AS AMENDED ON THIRD CONSIDERATION, JUNE 28, 2022

AN ACT

1 Establishing the Overdose Mapping System; providing for
2 implementation and for use; and conferring powers and
3 imposing duties on the Pennsylvania State Police.

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

17 ~~"Individual who administers emergency services." A paid or <--~~
18 ~~volunteer professional, other than a law enforcement officer,~~

1 ~~who is trained and licensed in this Commonwealth to provide~~
2 ~~emergency services to the public. The term includes, but is not~~
3 ~~limited to, a firefighter, emergency medical technician,~~
4 ~~emergency medical responder and paramedic.~~

5 "EMERGENCY MEDICAL SERVICES PROVIDER" OR "EMS PROVIDER." AS <--
6 DEFINED IN 35 PA.C.S. § 8103 (RELATING TO DEFINITIONS).

7 "Information technology platform." As follows:

8 (1) The Overdose Information Network (ODIN).

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

11 ~~"Law enforcement officer." Either of the following who is~~ <--
12 ~~responsible for the prevention and detection of crime and the~~
13 ~~enforcement of the penal, traffic or highway laws of this~~
14 ~~Commonwealth:~~

15 ~~(1) A paid or volunteer employee of a police department~~
16 ~~or sheriff's office that is a part of, or administered by,~~
17 ~~the Commonwealth or a political subdivision of the~~
18 ~~Commonwealth.~~

19 ~~(2) A full time or part time employee of a private~~
20 ~~police department.~~

21 "LAW ENFORCEMENT OFFICER." A POLICE OFFICER CERTIFIED UNDER <--
22 53 PA.C.S. CH. 21 SUBCH. D (RELATING TO MUNICIPAL POLICE
23 EDUCATION AND TRAINING).

24 "LOCAL LEADER." ANY OF THE FOLLOWING:

25 (1) THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY.

26 (2) THE GOVERNING BODY OF A MUNICIPALITY.

27 (3) THE CHIEF LAW ENFORCEMENT OFFICER OF A MUNICIPALITY.

28 "MUNICIPALITY." AS DEFINED IN 1 PA.C.S. § 1991 (RELATING TO
29 DEFINITIONS).

30 "Overdose." Injury to the body that happens when one or more

1 substances are taken in excessive amounts.

2 "Overdose incident." An occurrence where a law enforcement
3 officer or ~~individual~~ AN EMS PROVIDER who administers emergency <--
4 services encounters an individual experiencing, or who recently
5 experienced, a confirmed or suspected overdose.

6 "Overdose reversal drug." Naloxone hydrochloride or other
7 similarly acting drug that is approved by the United States Food
8 and Drug Administration for the emergency treatment of an
9 overdose.

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

13 "System." The overdose mapping and response system
14 established under this act.

15 Section 3. Establishment and design.

16 (a) Establishment.--The Pennsylvania State Police is
17 directed to:

18 (1) Ascertain and document the number, trends and
19 patterns associated with known and suspected overdoses in
20 this Commonwealth and issue an annual report available in an
21 online format for reference by county and local officials and
22 the general public.

23 (2) Utilize an overdose mapping system in which a
24 central repository containing information about overdose
25 incidents is established and maintained using data from an
26 information technology platform.

27 (3) Ensure access to collected data, in the form of raw
28 data, dashboards and useful exportable reports, by State,
29 county and local governmental, public health and public
30 safety stakeholders to real time data that may be used to

1 make actionable decisions in as close to real-time as
2 possible.

3 (4) Send automatic and immediate overdose spike-alerts
4 to preapproved State, county and local governmental, public
5 health and public safety leaders who may use the notification
6 to make decisions regarding how to respond to overdose
7 anomalies in their areas of responsibility. Initial
8 recommended spike thresholds shall be established using
9 relevant public health data. Local leaders shall have the
10 option to adjust the local spike threshold to fit the local
11 response plan needs.

12 (5) Share examples of the spike-response framework with
13 State, county and local leaders and support the leaders in
14 the implementation of the responses by providing access to
15 overdose data and useful reports based on the data.

16 (6) Using an application programming interface, connect
17 the data in the Pennsylvania State Police system with the
18 Overdose Mapping Application Program created by the
19 Washington-Baltimore High Intensity Drug Trafficking Areas.

20 (b) Design.--The system must be designed to avoid data entry
21 duplication wherever possible, which may include using one or
22 more application programming interfaces to transfer information
23 about overdose incidents that are currently reported to active
24 databases existing in this Commonwealth.

25 Section 4. Entry requirements for law enforcement and

26 ~~individuals~~ EMS PROVIDERS who administer emergency <--
27 services.

28 (a) Reporting by law enforcement officers.--A law
29 enforcement officer who goes to an overdose incident must report
30 information about the overdose incident to an information

1 technology platform as soon as possible, but no later than 72
2 hours after the overdose incident, to the extent that the
3 information is known.

4 (b) Reporting by ~~individual~~ EMS PROVIDER who administers <--
5 emergency services.--An ~~individual~~ EMS PROVIDER who administers <--
6 emergency services who goes to an overdose incident, or who
7 transports an individual experiencing a confirmed or suspected
8 overdose to a medical facility, must report information about
9 the overdose incident to an information technology platform as
10 soon as possible, but no later than 72 hours after the overdose
11 incident, to the extent that the information is known. If an
12 individual is experiencing a confirmed or suspected overdose and
13 was not transported to a medical facility by an individual
14 required to report under this subsection, medical personnel at
15 the receiving medical facility shall report information about
16 the overdose under this section.

17 (c) Information reported.--At a minimum, the following
18 information about an overdose incident must be reported by the
19 ~~individuals~~ LAW ENFORCEMENT OFFICER OR EMS PROVIDER identified <--
20 in this section using an information technology platform:

- 21 (1) The date and time of the overdose incident.
- 22 (2) The location of the overdose incident.
- 23 (3) Whether an overdose reversal drug was administered
24 and, if so, the number of doses and the type of delivery.
- 25 (4) Whether the confirmed or suspected overdose was
26 fatal or nonfatal.

27 (d) Other reporting requirements.--An individual's or
28 entity's report of information about an overdose incident under
29 this act does not preempt or replace any other reporting
30 requirement applicable to that individual or entity.

1 Section 5. Implementation.

2 (a) General rule.--During the course of implementing the
3 system, the Pennsylvania State Police:

4 (1) Shall enter into participation agreements, data
5 sharing agreements and other memoranda of understanding
6 necessary to fully implement the system with other
7 Commonwealth, county or local entities.

8 (2) May promulgate rules, regulations or standard
9 operating procedures necessary to carry out the requirements
10 of this act.

11 (b) Limitation of liability.--Individuals or entities
12 reporting information about an overdose incident under this act
13 in good faith are not subject to civil or criminal liability or
14 damages for making the report, unless their acts or omissions
15 constitute willful and wanton misconduct.

16 (c) Compliance.--The failure of a law enforcement officer or
17 ~~individual~~ AN EMS PROVIDER who administers emergency services, <--
18 or medical personnel if applicable, to report information about
19 an overdose incident as required by this act constitutes a form
20 of unprofessional conduct. The Pennsylvania State Police may:

21 (1) Refer matters of noncompliance to the appropriate
22 local entity supervisor.

23 (2) Exempt law enforcement officers or ~~individuals~~ EMS <--
24 PROVIDERS who administer emergency services based on resource
25 or technological limitations.

26 (d) Report.--The Pennsylvania State Police shall issue a
27 progress report to the General Assembly regarding the usage of
28 the overdose mapping system implementation at six months, 12
29 months and 30 months after the effective date of this section.

30 Section 6. Use.

1 (a) General rule.--The information about overdose incidents
2 reported under this act shall be available to users of an
3 information technology platform authorized to view the data in
4 real time. The process by which authorized users are decided
5 upon and designated shall be addressed in one or more of the
6 following when implementing the system:

- 7 (1) Participation agreements.
- 8 (2) Data sharing agreements.
- 9 (3) Memoranda of understanding.

10 (b) Limitations.--

11 (1) Information about overdose incidents reported to the
12 system by an individual or entity other than a law
13 enforcement officer may not be used for a criminal
14 investigation or prosecution of any individual who satisfies
15 the exemption from criminal liability contained in section
16 13.7 of the act of April 14, 1972 (P.L.233, No.64), known as
17 The Controlled Substance, Drug, Device and Cosmetic Act. The
18 reporting of information about overdose incidents as provided
19 for in this act does not diminish the protections afforded by
20 section 13.7 of the The Controlled Substance, Drug, Device
21 and Cosmetic Act.

22 (2) Except for the sharing of personally identifying
23 information, the sharing of overdose incident information
24 collected by the system by, between and among governmental
25 agencies, programs and nongovernmental organizations whose
26 missions include the mitigation of illegal substance use,
27 trafficking, treatment, harm reduction and recovery support
28 is permissible under this act.

29 Section 7. Funding.

30 (a) Federal funds.--The Pennsylvania State Police shall

1 pursue all Federal funding for the initial start-up and ongoing
2 activities required under this act.

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

9 Section 8. Effective date.

10 This act shall take effect in 60 days.