

SENATE BILL No. 74

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-6-26; IC 36-2-14.

Synopsis: Coroner reporting of overdose deaths. Requires that a comprehensive drug panel must be performed as part of a coroner's death investigation. Requires a coroner to report to state and local agencies when a drug overdose is the cause or a contributing cause of a death. Requires a coroner to specify on the death certificate the specific drugs involved in an overdose death. Requires the state department of health (department) to notify a coroner if a death certificate is incomplete, and provides that the department and the coroners training board (board) may assist a coroner in completing a death certificate. Creates an account in the state general fund, administered by the criminal justice institute, to reimburse a county coroner for the cost of performing comprehensive drug panels in death investigations. Requires the board to provide instruction to coroners and deputy coroners regarding investigation and reporting requirements for drug overdose deaths.

Effective: July 1, 2017.

Merritt

January 3, 2017, read first time and referred to Committee on Local Government.



First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 74

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-6-26 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 26. (a) The forensic toxicology reimbursement**
4 **program is established. The program shall be developed to**
5 **reimburse coroners for the cost of performing comprehensive drug**
6 **panels under IC 36-2-14-6.1.**
7 **(b) The institute shall develop and maintain procedures to**
8 **award funds to coroners for the purposes described in subsection**
9 **(a).**
10 **(c) The forensic toxicology reimbursement account is**
11 **established in the state general fund. The account consists of**
12 **appropriations from the general assembly, gifts, and grants. The**
13 **treasurer of state shall invest the money in the account not**
14 **currently needed to meet the obligations of the account in the same**
15 **manner as other public funds may be invested. The money in the**
16 **account at the end of a state fiscal year does not revert to the state**
17 **general fund but remains in the account to be used exclusively for**



1 **the purposes of this chapter.**

2 SECTION 2. IC 36-2-14-6.1 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2017]: **Sec. 6.1. (a) As used in this section, "drug overdose"**
5 **means a physiological condition caused by the consumption or use**
6 **of:**

- 7 (1) a controlled substance (as defined in IC 35-48-1-9); or
8 (2) a controlled substance analog (as defined in
9 IC 35-48-1-9.3).

10 (b) As part of a medical investigation into the cause of death
11 under section 6 of this chapter, the coroner shall have
12 comprehensive panels performed on biological samples taken from
13 the decedent to detect controlled substances, controlled substance
14 analogs, and alcohol that may:

- 15 (1) have been present in the body at the time of death; and
16 (2) have contributed to the death.

17 The director of the state department of toxicology appointed under
18 IC 10-20-2-2 shall develop guidelines for the comprehensive panels
19 performed under this section.

20 (c) A coroner shall provide to the following a written notice that
21 a death was caused by a drug overdose or that a drug overdose was
22 a contributing cause of death:

- 23 (1) The state department of health and the local health
24 department.
25 (2) If a drug was prescribed or dispensed by a practitioner (as
26 defined in IC 35-48-7-5.8), the professional licensing board of
27 the practitioner who prescribed or dispensed the drug.
28 (3) The INSPECT program under IC 35-48-7-8.1.
29 (4) The county and municipal law enforcement agency where
30 the death occurred, if the death resulted from the use of a
31 schedule I controlled substance.

32 (d) The written notice under subsection (c) must contain the
33 following information:

- 34 (1) Information relating to the specific drug or drugs involved
35 and the concentrations of the drugs detected.
36 (2) Whether the drug or drugs were prescribed or dispensed
37 by a practitioner (as defined in IC 35-48-7-5.8).
38 (3) The age of the deceased individual.
39 (4) The county where the overdose occurred.

40 The coroner shall provide the notice under this subsection not
41 more than five (5) business days after completing the coroner's
42 medical investigation as to the cause of death of the decedent.



1 (e) The coroner shall specify on a death certificate of a drug
 2 overdose death the specific drug or drugs contributing to the cause
 3 of death, if known. If a death certificate does not meet the
 4 requirements of this section, the state department of health shall
 5 notify a coroner that the death certificate is incorrect or
 6 incomplete. The state department of health and the coroners
 7 training board may assist the coroner in completing the death
 8 certificate.

9 (f) The state department of health shall develop a form for the
 10 written notice under subsection (d). The notice is not available for
 11 public inspection and copying under IC 5-14-3.

12 SECTION 3. IC 36-2-14-22.3, AS ADDED BY P.L.3-2008,
 13 SECTION 258, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2017]: Sec. 22.3. (a) The coroners training
 15 board established by IC 4-23-6.5-3, in consultation with the Indiana
 16 law enforcement academy, shall create and offer a training course for
 17 coroners and deputy coroners. The training course must include **the**
 18 **following:**

- 19 (1) At least forty (40) hours of instruction. ~~and~~
 20 (2) Instruction regarding:
 21 (A) death investigation;
 22 (B) crime scenes; and
 23 (C) preservation of evidence at a crime scene for police and
 24 crime lab technicians.

25 **(3) Instruction on the requirements under section 6.1 of this**
 26 **chapter concerning the investigation and reporting of drug**
 27 **overdose deaths and the completion of drug overdose death**
 28 **certificates.**

29 (b) The coroners training board, in consultation with the Indiana law
 30 enforcement academy, shall create and offer an annual training course
 31 for coroners and deputy coroners. The annual training course must:

- 32 (1) include at least eight (8) hours of instruction; ~~and~~
 33 (2) cover recent developments in:
 34 (A) death investigation;
 35 (B) crime scenes; and
 36 (C) preservation of evidence at a crime scene for police and
 37 crime lab technicians; **and**

38 **(3) include instruction on the requirements under section 6.1**
 39 **of this chapter concerning investigation, reporting, and**
 40 **completion of death certificates of drug overdose deaths.**

41 (c) In creating the courses under subsections (a) and (b), the
 42 coroners training board shall consult with a pathologist certified by the



- 1 American Board of Pathology regarding medical issues that are a part
2 of the training courses.
- 3 (d) All training in the courses offered under subsections (a) and (b)
4 that involves medical issues must be approved by a pathologist
5 certified by the American Board of Pathology.
- 6 (e) All training in the courses offered under subsections (a) and (b)
7 that involves crime scenes and evidence preservation must be approved
8 by a law enforcement officer.
- 9 (f) The coroners training board shall issue a coroner or deputy
10 coroner a certificate upon successful completion of the courses
11 described in subsections (a) and (b).

