

1 H.462

2 Introduced by Representative Pugh of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Human services; Department of Health; Division of Substance Use

6 Programs; autopsies; Child Fatality Review Team; unused

7 prescription drug disposal

8 Statement of purpose of bill as introduced: This bill proposes to: (1) rename
9 the Department of Health's Alcohol and Drug Abuse Programs to be the
10 Division of Substance Use Programs; (2) require pharmacies with ten or more
11 outlets to host a drug disposal kiosk; (3) enable the Department of Health to
12 share deidentified data produced by the Child Fatality Review Team with
13 similar review teams in other states; and (4) require the Chief Medical Officer
14 to provide autopsy reports to both federal prosecutors and prosecutors from
15 other states upon written request.

16 An act relating to miscellaneous Department of Health programs

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 ~~*** Division of Substance Use Programs ***~~

3 Sec. 1. 3 V.S.A. § 3004 is amended to read:

4 § 3004. PERSONNEL DESIGNATION

5 The Secretary, Deputy Secretary, commissioners, deputy commissioners,
6 attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol~~
7 ~~and Drug Abuse Programs~~, and of Child Support, and all members of boards,
8 committees, commissions, or councils attached to the Agency for support are
9 exempt from the classified State service. Except as authorized by section 311
10 of this title or otherwise by law, all other positions shall be within the
11 classified service.

12 Sec. 2. 18 V.S.A. § 4255 is amended to read:

13 § 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

14 * * *

15 (b)(1) The Advisory Council shall consist of the following members:

16 (A) the Commissioner of Health or designee, who shall serve as
17 chair;

18 (B) the Deputy Commissioner of Health for ~~Alcohol and Drug Abuse~~
19 ~~Programs~~ the Division of Substance Use Programs or designee;

20

1 (CC) a drug and alcohol abuse counselor licensed pursuant to
2 26 V.S.A. chapter 62, to be selected by the Deputy Commissioner of Health for
3 Alcohol and Drug Abuse Programs the Division of Substance Use Programs;

4 * * *

5 Sec. 3. 18 V.S.A. § 4803 is amended to read:

6 § 4803. SUBSTANCE MISUSE USE PREVENTION OVERSIGHT AND
7 ADVISORY COUNCIL

8 (a) Creation. There is created the Substance Misuse Use Prevention
9 Oversight and Advisory Council within the Department of Health to improve
10 the health outcomes of all Vermonters through a consolidated and holistic
11 approach to substance misuse use prevention that addresses all categories of
12 substances. The Council shall provide advice to the Governor and General
13 Assembly for improving prevention policies and programming throughout the
14 State and to ensure that population prevention measures are at the forefront of
15 all policy determinations. The Advisory Council's prevention initiatives shall
16 encompass all substances at risk of misuse, including:

17 * * *

18 (b)(1) Membership. The agenda of the Council shall be determined by an
19 executive committee composed of the following members:

20

1 (2) ~~The members of the executive committee jointly shall appoint~~
2 members to the Council with demographic and regional diversity. Members of
3 the Council shall collectively offer expertise and experience in the categories
4 listed below, with the understanding that a single member may offer expertise
5 and experience in multiple categories:

6 * * *

7 (E) persons with expertise in the following disciplines:

- 8 (i) substance ~~misuse~~ use prevention in a professional setting;
- 9 (ii) pediatric care specific to substance ~~misuse~~ use prevention or
10 substance use disorder;
- 11 (iii) academic research pertaining to substance ~~misuse~~ use
12 prevention or behavioral addiction treatment;
- 13 (iv) education in a public school setting specific to substance
14 ~~misuse~~ use prevention;
- 15 (v) law enforcement with expertise in drug enforcement,
16 addressing impaired driving, and community policing;
- 17 (vi) community outreach or collaboration in the field of substance
18 ~~misuse~~ use prevention;
- 19 * * *
- 20 (xii) substance use disorder or substance ~~misuse~~ use prevention,
21 within the older Vermont population, and

1 ~~(viii) comprehensive communications and media campaigns~~

2 (v) Powers and duties. The Council shall strengthen the State's response to
3 the substance use disorder crisis by advancing evidence-based and evidence-
4 informed substance ~~misuse~~ use prevention initiatives. The Council's duties
5 shall include:

6 * * *

7 (2) reviewing substance ~~misuse~~ use prevention program evaluations and
8 making specific recommendations for modification based on the results,
9 including recommendations to address gaps in both services and populations
10 served;

11 * * *

12 (6) recommending strategies to integrate substance ~~misuse~~ use
13 prevention programming across the State, including between State agencies
14 and in public-private partnerships;

15 (7) development of a statewide media campaign for substance ~~misuse~~
16 use prevention; and

17 (8) holding a minimum of two public meetings to receive public input
18 and advice for setting program priorities for substances at risk of misuse.

19 ~~(9) holding a minimum of two public meetings to receive public input and advice for setting program priorities for substances at risk of misuse.~~

1 ~~(e) Assistance. The Council shall have administrative, technical, and~~
2 communications assistance from the Manager of Substance ~~Misuse~~ Use
3 Prevention established pursuant to section 4804 of this title.

4 * * *

5 (g) Organization.

6 (1) Members of the Council shall serve two-year terms and may be
7 reappointed. Any vacancy on the Council shall be filled in the same manner as
8 the original appointment. The replacement member shall serve for the
9 remainder of the unexpired term. Any individual interested in serving on the
10 Council may submit a letter of interest or resume to the Manager of Substance
11 ~~Misuse~~ Use Prevention.

12 * * *

13 Sec. 4. 18 V.S.A. § 4804 is amended to read:

14 § 4804. MANAGER OF SUBSTANCE ~~MISUSE~~ USE PREVENTION

15 There is created the permanent position of the Manager of Substance
16 ~~Misuse~~ Use Prevention within the Department of Health for the purpose of:

17 (1) coordinating the work of the Substance ~~Misuse~~ Use Prevention
18 Oversight and Advisory Council established pursuant to section 4803 of this
19 title; and

20 ~~(2) coordinating regional planning.~~

1 ~~Sec. 5. 18 V.S.A. 4806 is amended to read:~~

2 ~~§ 4806. DIVISION OF ALCOHOL AND DRUG ABUSE SUBSTANCE USE~~
3 ~~PROGRAMS~~

4 (a) ~~The Division of Alcohol and Drug Abuse Substance Use Programs~~
5 ~~shall plan, operate, and evaluate a consistent, effective program of substance~~
6 ~~abuse programs. All duties, responsibilities, and authority of the Division~~
7 ~~shall be carried out and exercised by and within the Department of Health.~~

8 * * *

9 (c) ~~Under the direction of the Commissioner of Health, the Deputy~~
10 ~~Commissioner of Alcohol and Drug Abuse Programs for the Division shall~~
11 ~~review and approve all alcohol and drug programs developed or administered~~
12 ~~by any State agency or department, except for alcohol and drug education~~
13 ~~programs developed by the Agency of Education in conjunction with the~~
14 ~~Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.~~

15 * * *

16 Sec. 6. 18 V.S.A. § 7253 is amended to read:

17 § 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

18 The Commissioner of Mental Health, in consultation with health care
19 providers as defined in section 9432 of this title, including designated
20 hospitals, designated agencies, individuals with mental conditions or
21 ~~psychiatric disabilities, and other stakeholders, shall design and implement a~~

1 ~~clinical resource management system that ensures the highest quality of care~~
2 and facilitates long-term, sustained recovery for individuals in the custody of
3 the Commissioner.

4 * * *

5 (2) For the purpose of maintaining the integrity and effectiveness of the
6 clinical resource management system, the Department of Mental Health shall:

7 * * *

8 (B) coordinate care across the mental and physical health care
9 systems as well as ensure coordination within the Agency of Human Services,
10 particularly the Department of Corrections, the Department of Health's
11 ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the
12 Department of Disabilities, Aging, and Independent Living;

13 * * *

14 Sec. 7. 23 V.S.A. § 1216 is amended to read:

15 § 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

16 CONCENTRATION OF 0.02 OR MORE

17 * * *

18 (g) The Alcohol and Driving Program required under this section shall be
19 administered by the ~~Office of Alcohol and Drug Abuse~~ Department of
20 Health's Division of Substance Use Programs and shall take into consideration
21 ~~any particular treatment needs of operators under the age of 21 years of age.~~

1 * * *

2 Sec. 8. 23 V.S.A. § 3207f is amended to read:

3 § 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
4 CONCENTRATION OF 0.02 OR MORE

5 * * *

6 (f) The alcohol program required under this section shall be administered
7 by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of
8 Substance Use Programs and shall take into consideration any particular
9 treatment needs of operators under ~~the age of 21~~ years of age.

10 * * *

11 Sec. 9. 23 V.S.A. § 3323a is amended to read:

12 § 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL
13 CONCENTRATION OF 0.02 OR MORE

14 * * *

15 (f) The alcohol program required under this section shall be administered
16 by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of
17 Substance Use Programs and shall take into consideration any particular
18 treatment needs of operators under ~~the age of 21~~ years of age.

19 * * *

1 ~~Sec. 10. 23 V.S.A. § 5272 is amended to read:~~

2 § 5272. JUVENILE JUSTICE UNIT; JUVENILE JUSTICE DIRECTOR

3 * * *

4 (c) The Juvenile Justice Director shall ensure that the following occur:

5 * * *

6 (3) cooperation among appropriate departments, including the
7 Department; the Agency of Education; the Departments of Corrections, of
8 Labor, of Mental Health, of Public Safety, and of Disabilities, Aging, and
9 Independent Living; and the Department of Health's Division of Alcohol and
10 Drug Abuse Substance Use Programs.

11 * *

12 * * * Expansion of Drug Disposal Kiosks * * *

13 Sec. 11. 18 V.S.A. § 4224 is amended to read:

14 § 4224. UNUSED PRESCRIPTION DRUG DISPOSAL PROGRAM

15 (a) The Department of Health shall establish and maintain the Statewide
16 Unused Prescription Drug Disposal Program to provide for the safe disposal of
17 Vermont residents' unused and unwanted prescription drugs. The Program
18 may include establishing secure collection and disposal sites and providing
19 medication envelopes for sending unused prescription drugs to an authorized
20 ~~collection facility for destruction.~~

1 ~~(b) Pharmacies that operate 10 or more establishments in the United States~~
2 while concurrently conducting business in Vermont, shall enroll in a drug
3 disposal kiosk program not later than December 31, 2022.

4 * * * Child Fatality Review Team * * *

5 Sec. 12. 18 V.S.A. § 1561 is amended to read:

6 § 1561. CHILD FATALITY REVIEW TEAM

7 * * *

8 (g)(4) Confidentiality.

9 (1)(A) The records produced or acquired by the Team are exempt from
10 public inspection and copying under the Public Records Act and shall be kept
11 confidential. The records of the Team are not subject to subpoena, discovery,
12 or introduction into evidence in a civil or criminal action. Nothing in this
13 section shall be construed to limit or restrict the right to discover or use in any
14 civil or criminal proceedings information or records that are available from
15 another source and entirely outside the Team's review. The Team shall not use
16 the information or records generated during the course of its review for
17 ~~purposes other than those described in this section.~~

1 ~~(B) The Department may share deidentified data produced or~~
2 acquired by the Team with other states that have child fatality review panels,
3 provided access under such agreements is consistent with the privacy, security,
4 and disclosure protections in this chapter.

5 * * *

6 * * * Autopsy Reports * * *

7 Sec. 13. 18 V.S.A. § 5205 is amended to read:

8 § 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN
9 AND IN OTHER CIRCUMSTANCES; AUTOPSY

10 * * *

11 (f) The State's Attorney or Chief Medical Examiner, if either deem it
12 necessary and in the interest of public health, welfare, and safety, or in
13 furtherance of the administration of the law, may order an autopsy to be
14 performed by the Chief Medical Examiner or under ~~his or her~~ the Chief
15 Medical Examiner's direction. Upon completion of the autopsy, the Chief
16 Medical Examiner shall submit a report to such State's Attorney and the
17 Attorney General and shall submit a report of death to the State Registrar.
18 Upon the written request of a federal prosecutor or a prosecutor in another
19 state, the Chief Medical Examiner shall submit a report of a death to the
20 requesting office.

21

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2
3

~~*** Effective Date ***~~

~~Sec. 14. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2022.~~

**** Division of Substance Use Programs ****

Sec. 1. 3 V.S.A. § 3004 is amended to read:

§ 3004. PERSONNEL DESIGNATION

The Secretary, Deputy Secretary, commissioners, deputy commissioners, attorneys, Directors of the Offices of State Economic Opportunity, ~~of Alcohol and Drug Abuse Programs,~~ and of Child Support, and all members of boards, committees, commissions, or councils attached to the Agency for support are exempt from the classified State service. Except as authorized by section 311 of this title or otherwise by law, all other positions shall be within the classified service.

Sec. 2. 18 V.S.A. § 4255 is amended to read:

§ 4255. VERMONT PRESCRIPTION DRUG ADVISORY COUNCIL

(b)(1) The Advisory Council shall consist of the following members:

(A) the Commissioner of Health or designee, who shall serve as chair;

(B) the Deputy Commissioner of Health for ~~Alcohol and Drug Abuse~~ the Division of Substance Use Programs or designee;

* * *

(CC) a drug and alcohol abuse counselor licensed pursuant to 26 V.S.A. chapter 62, to be selected by the Deputy Commissioner of Health for ~~Alcohol and Drug Abuse~~ the Division of Substance Use Programs;

* * *

Sec. 3. 18 V.S.A. 4806 is amended to read:

§ 4806. ~~DIVISION OF ALCOHOL AND DRUG ABUSE~~ SUBSTANCE USE PROGRAMS

(a) ~~The Division of Alcohol and Drug Abuse~~ Substance Use Programs shall plan, operate, and evaluate a consistent, effective program of substance ~~abuse~~ use programs. All duties, responsibilities, and authority of the Division shall be carried out and exercised by and within the Department of Health.

* * *

(c) Under the direction of the Commissioner of Health, the Deputy Commissioner ~~of Alcohol and Drug Abuse Programs for the Division~~ shall review and approve all alcohol and drug programs developed or administered by any State agency or department, except for alcohol and drug education programs developed by the Agency of Education in conjunction with the Alcohol and Drug Abuse Council pursuant to 16 V.S.A. § 909.

* * *

Sec. 4. 18 V.S.A. § 7253 is amended to read:

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The Commissioner of Mental Health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with mental conditions or psychiatric disabilities, and other stakeholders, shall design and implement a clinical resource management system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the Commissioner.

** * **

(2) For the purpose of maintaining the integrity and effectiveness of the clinical resource management system, the Department of Mental Health shall:

** * **

(B) coordinate care across the mental and physical health care systems as well as ensure coordination within the Agency of Human Services, particularly the Department of Corrections, the Department of Health's ~~Alcohol and Drug Abuse~~ Division of Substance Use Programs, and the Department of Disabilities, Aging, and Independent Living;

** * **

Sec. 5. 23 V.S.A. § 1216 is amended to read:

§ 1216. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

CONCENTRATION OF 0.02 OR MORE

* * *

(g) The Alcohol and Driving Program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age~~.

* * *

Sec. 6. 23 V.S.A. § 3207f is amended to read:

§ 3207f. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

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(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age~~.

* * *

Sec. 7. 23 V.S.A. § 3323a is amended to read:

§ 3323a. PERSONS UNDER 21 YEARS OF AGE; ALCOHOL

CONCENTRATION OF 0.02 OR MORE

* * *

(f) The alcohol program required under this section shall be administered by the ~~Office of Alcohol and Drug Abuse~~ Department of Health's Division of

Substance Use Programs and shall take into consideration any particular treatment needs of operators under ~~the age of 21 years of age.~~

* * *

Sec. 8. 33 V.S.A. § 5272 is amended to read:

§ 5272. JUVENILE JUSTICE UNIT; JUVENILE JUSTICE DIRECTOR

* * *

(c) The Juvenile Justice Director shall ensure that the following occur:

* * *

(3) cooperation among appropriate departments, including the Department; the Agency of Education; the Departments of Corrections, of Labor, of Mental Health, of Public Safety, and of Disabilities, Aging, and Independent Living; and the Department of Health's Division of Alcohol and Drug Abuse Substance Use Programs;

* * *

** * * Expansion of Drug Disposal Kiosks * * **

Sec. 9. 18 V.S.A. § 4224 is amended to read:

§ 4224. UNUSED PRESCRIPTION DRUG DISPOSAL PROGRAM

(a) The Department of Health shall establish and maintain the Statewide Unused Prescription Drug Disposal Program to provide for the safe disposal of Vermont residents' unused and unwanted prescription drugs. The Program may include establishing secure collection and disposal sites and providing

medication envelopes for sending unused prescription drugs to an authorized collection facility for destruction.

(b) Pharmacies that operate 10 or more establishments in the United States, while concurrently conducting business in Vermont, shall enroll in a drug disposal kiosk program not later than December 31, 2022.

** * * Child Fatality Review Team * * **

Sec. 10. 18 V.S.A. § 1561 is amended to read:

§ 1561. CHILD FATALITY REVIEW TEAM

** * **

(g)(+) Confidentiality.

(1)(A) The records produced or acquired by the Team are exempt from public inspection and copying under the Public Records Act and shall be kept confidential. The records of the Team are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. Nothing in this section shall be construed to limit or restrict the right to discover or use in any civil or criminal proceedings information or records that are available from another source and entirely outside the Team's review. The Team shall not use the information or records generated during the course of its review for purposes other than those described in this section.

(B) The Department may share deidentified data produced or acquired by the Team with other states that have child fatality review panels,

provided access under such agreements is consistent with the privacy, security, and disclosure protections in this chapter.

* * *

* * * *Autopsy Reports* * * *

Sec. 11. 18 V.S.A. § 5205 is amended to read:

§ 5205. DEATH CERTIFICATE WHEN NO ATTENDING PHYSICIAN

AND IN OTHER CIRCUMSTANCES; AUTOPSY

* * *

(f) The State's Attorney or Chief Medical Examiner, if either deem it necessary and in the interest of public health, welfare, and safety, or in furtherance of the administration of the law, may order an autopsy to be performed by the Chief Medical Examiner or under ~~his or her~~ the Chief Medical Examiner's direction. Upon completion of the autopsy, the Chief Medical Examiner shall submit a report to such State's Attorney and the Attorney General and shall submit a report of death to the State Registrar. Upon the written request of a federal prosecutor or a prosecutor in another state, the Chief Medical Examiner shall submit a report of a death to the requesting office.

* * *

** * * Effective Date * * **

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2022.