



January 24, 2017

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## SENATE BILL No. 74

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DIGEST OF SB 74 (Updated January 23, 2017 9:06 am - DI 87)

**Citations Affected:** IC 16-19; IC 36-2.

**Synopsis:** Investigation of overdose deaths. Requires a coroner as part of an investigation into the death of a decedent who is at least 13 years of age, to: (1) have a drugs of abuse panel performed to detect the presence of schedule I and schedule II controlled substances; and (2) forward the test results to the state department of health. Creates an account in the state general fund, administered by the state department of health, to reimburse a coroner for the cost of performing the drugs of abuse panels. Requires the coroner's training board to provide instruction to coroners and deputy coroners regarding investigation and reporting of drug overdose deaths.

**Effective:** July 1, 2017.

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## Merritt, Buck, Breaux

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January 3, 2017, read first time and referred to Committee on Local Government.  
January 23, 2017, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

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SB 74—LS 6228/DI 87





January 24, 2017

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

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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 16-19-3-26.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2017]: **Sec. 26.5. (a) The coroner drug panel**  
4 **reimbursement program is established. The program shall be**  
5 **developed to reimburse coroners for the cost of performing drugs**  
6 **of abuse panels under IC 36-2-14-6.1.**  
7 **(b) The state department shall develop and maintain procedures**  
8 **to award funds to coroners for the purposes described in**  
9 **subsection (a).**  
10 **(c) The coroner drug panel 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**

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1 **the purposes set forth in subsection (a).**

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) **This section applies only to an investigation**  
5 **into the cause of death of a decedent who is at least thirteen (13)**  
6 **years of age.**

7 (b) **As part of any investigation into the cause of death under**  
8 **section 6 of this chapter, the coroner shall have a drugs of abuse**  
9 **panel performed on biological samples taken from the decedent to**  
10 **detect schedule I and schedule II controlled substances that may:**

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

13 (c) **The coroner shall forward a copy of the report containing**  
14 **the results of a drugs of abuse panel to the state department of**  
15 **health. If the coroner has any testing for schedule I or schedule II**  
16 **controlled substances performed in addition to the drugs of abuse**  
17 **panel, the coroner shall forward a copy of the report containing the**  
18 **results of the additional tests to the state department of health.**  
19 **Subsection (d) also applies to information in the report of any**  
20 **additional tests.**

21 (d) **The state department of health shall maintain the**  
22 **confidentiality of a report received under subsection (c). The state**  
23 **department of health may compile and publish statistical**  
24 **information regarding drug overdose deaths using information**  
25 **from the results of the drugs of abuse panels. The state department**  
26 **of health may publish or make available the information reported**  
27 **under this section to the general public only in summary form and**  
28 **shall maintain the confidentiality of the deceased individual's name**  
29 **and other personally identifiable information.**

30 (e) **The state department of health may adopt rules under**  
31 **IC 4-22-2 to implement this section.**

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

- 39 (1) **At least forty (40) hours of instruction. ~~and~~**  
40 (2) **Instruction regarding:**  
41 (A) **death investigation;**  
42 (B) **crime scenes; and**



- 1 (C) preservation of evidence at a crime scene for police and  
2 crime lab technicians.
- 3 **(3) Instruction on the requirements under section 6.1 of this**  
4 **chapter concerning the investigation and reporting of drug**  
5 **overdose deaths.**
- 6 (b) The coroners training board, in consultation with the Indiana law  
7 enforcement academy, shall create and offer an annual training course  
8 for coroners and deputy coroners. The annual training course must:  
9 (1) include at least eight (8) hours of instruction; ~~and~~  
10 (2) cover recent developments in:  
11 (A) death investigation;  
12 (B) crime scenes; and  
13 (C) preservation of evidence at a crime scene for police and  
14 crime lab technicians; **and**  
15 **(3) include instruction on the requirements under section 6.1**  
16 **of this chapter concerning investigation and reporting of drug**  
17 **overdose deaths.**
- 18 (c) In creating the courses under subsections (a) and (b), the  
19 coroners training board shall consult with a pathologist certified by the  
20 American Board of Pathology regarding medical issues that are a part  
21 of the training courses.
- 22 (d) All training in the courses offered under subsections (a) and (b)  
23 that involves medical issues must be approved by a pathologist  
24 certified by the American Board of Pathology.
- 25 (e) All training in the courses offered under subsections (a) and (b)  
26 that involves crime scenes and evidence preservation must be approved  
27 by a law enforcement officer.
- 28 (f) The coroners training board shall issue a coroner or deputy  
29 coroner a certificate upon successful completion of the courses  
30 described in subsections (a) and (b).



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 74, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 1, delete "IC 5-2-6-26" and insert "IC 16-19-3-26.5".

Page 1, line 3, delete "26." and insert "**26.5**".

Page 1, line 3, delete "forensic toxicology" and insert "**coroner drug panel**".

Page 1, line 5, delete "comprehensive drug" and insert "**drugs of abuse**".

Page 1, line 7, delete "institute" and insert "**state department**".

Page 1, line 10, delete "forensic toxicology" and insert "**coroner drug panel**".

Page 2, line 1, delete "of this chapter" and insert "**set forth in subsection (a)**".

Page 2, line 4, delete "As used in this section, "drug overdose"" and insert "**This section applies only to an investigation into the cause of death of a decedent who is at least thirteen (13) years of age.**".

Page 2, delete lines 5 through 9.

Page 2, line 10, delete "a medical" and insert "**any**".

Page 2, line 12, delete "comprehensive panels" and insert "**a drugs of abuse panel**".

Page 2, line 13, delete "controlled substances, controlled substance" and insert "**schedule I and schedule II controlled substances**".

Page 2, line 14, delete "analogs, and alcohol".

Page 2, delete lines 17 through 42, begin a new paragraph and insert:

**"(c) The coroner shall forward a copy of the report containing the results of a drugs of abuse panel to the state department of health. If the coroner has any testing for schedule I or schedule II controlled substances performed in addition to the drugs of abuse panel, the coroner shall forward a copy of the report containing the results of the additional tests to the state department of health. Subsection (d) also applies to information in the report of any additional tests.**

**(d) The state department of health shall maintain the confidentiality of a report received under subsection (c). The state department of health may compile and publish statistical information regarding drug overdose deaths using information from the results of the drugs of abuse panels. The state department**



**of health may publish or make available the information reported under this section to the general public only in summary form and shall maintain the confidentiality of the deceased individual's name and other personally identifiable information.**

**(e) The state department of health may adopt rules under IC 4-22-2 to implement this section."**

Page 3, delete lines 1 through 11.

Page 3, line 27, delete "and the completion of drug overdose death" and insert ".".

Page 3, delete line 28.

Page 3, line 39, delete "investigation, reporting, and" and insert **"investigation and reporting"**.

Page 3, line 40, delete "completion of death certificates".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 74 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0.

