

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3037

By COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH AND RECOVERY

May 20

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 26 and delete pages 2 through
2 4 and insert:

3 “**SECTION 1.** ORS 146.100 is amended to read:

4 “146.100. (1) Death investigations shall be under the direction of the district medical examiner
5 and the district attorney for the county where the death occurs.

6 “(2) For purposes of ORS 146.003 to 146.189, if the county where death occurs is unknown, the
7 death shall be deemed to have occurred in the county where the body is found, except that if in an
8 emergency the body is moved by conveyance to another county and is dead on arrival, the death
9 shall be deemed to have occurred in the county from which the body was originally removed.

10 “(3) The district medical examiner or an assistant district medical examiner for the county
11 where death occurs shall be immediately notified of:

12 “(a) All deaths requiring investigation; and

13 “(b) All deaths of persons admitted to a hospital or institution for less than 24 hours, although
14 the medical examiner need not investigate nor certify such deaths.

15 “(4) No person having knowledge of a death requiring investigation shall intentionally or
16 knowingly fail to make notification thereof as required by subsection (3) of this section.

17 “(5) The district medical examiner or medical-legal death investigator shall immediately notify
18 the district attorney for the county where death occurs of all deaths requiring investigation except
19 for those specified by ORS 146.090 (1)(d) to (g).

20 “(6) All peace officers, health care providers as defined in ORS 192.556, supervisors of penal
21 institutions and supervisors of hospitals or institutions caring for the ill or helpless shall cooperate
22 with the medical examiner by providing a decedent’s medical records and tissue samples and any
23 other material necessary to conduct the death investigation of the decedent and shall make notifi-
24 cation of deaths as required by subsection (3) of this section. A person who cooperates with the
25 medical examiner in accordance with this subsection does not:

26 “(a) Waive any claim of privilege applicable to, or the confidentiality of, the materials and re-
27 cords provided.

28 “(b) Waive any claim that the materials and records are subject to an exemption from disclosure
29 under ORS 192.311 to 192.478.

30 “(7) Records or materials described in subsection (6) of this section may be released by the
31 medical examiner only pursuant to a valid court order.

32 “(8)(a) **If a death is suspected to be suicide and the decedent was 24 years of age or**
33 **younger, the district medical examiner or medical-legal death investigator shall notify the**
34 **local mental health authority in the county where the death occurred and, if the decedent**
35 **was a member of a federally recognized Oregon tribe, shall also notify the tribe’s mental**

1 health authority.

2 “(b) For the purposes of this subsection, the manner of death is suspected to be suicide
3 if the district medical examiner, the assistant district medical examiner, a pathologist au-
4 thorized under ORS 146.045 (2)(b) or a designee of the district medical examiner, including a
5 medical-legal death investigator, confirms orally or in writing that the district medical ex-
6 aminer, assistant district medical examiner, pathologist or designee of the district medical
7 examiner reasonably believes that the manner of death was suicide.

8 “(c) The notification under this subsection must include the decedent’s name, date of
9 birth, date of death, suspected manner of death and cause of death.

10 “(d) The notification under this subsection may include any other information that the
11 district medical examiner or medical-legal death investigator determines is necessary to
12 preserve the public health and that is not otherwise protected from public disclosure by state
13 or federal law, including information regarding the decedent’s school attended and extra-
14 curricular activities.

15 “(e) The district medical examiner or medical-legal death investigator must provide the
16 notification under this subsection no later than:

17 “(A) 48 hours after receiving notification of the death if the county where the death oc-
18 curred has a population of 400,000 or more; or

19 “(B) 72 hours after receiving notification of the death if the county where the death oc-
20 curred has a population of fewer than 400,000.

21 “(f) As used in this subsection, ‘local mental health authority’ has the meaning given
22 that term in ORS 430.630.

23 “**SECTION 2.** ORS 418.735 is amended to read:

24 “418.735. (1) As used in this section[,]:

25 “(a) ‘Cause of death’ has the meaning given that term in ORS 146.003.

26 “(b) ‘Local mental health authority’ has the meaning given that term in ORS 430.630.

27 “(c) ‘Manner of death’ has the meaning given that term in ORS 146.003.

28 “(d) ‘Third-party notification’ means notification from a source other than a patient in
29 a program administered by the local mental health authority during the patient’s treatment.

30 “(e) ‘Urban Indian health program’ means an urban Indian health program in this state
31 that is operated by an urban Indian organization pursuant to 25 U.S.C. 1651 et seq.

32 “(2)(a) The Oregon Health Authority shall develop a plan for communication among local mental
33 health authorities and local systems to improve notifications and information-sharing when [*a death*
34 *that is suspected to be a suicide involves*] an individual who is 24 years of age or younger **dies and**
35 **the manner of death is suspected to be suicide.** The plan must address community suicide re-
36 sponse and post-intervention efforts to address loss and the potential of contagion risk. The Oregon
37 Health Authority shall collaborate with the following entities in developing and implementing the
38 plan:

39 “[*(a)*] (A) Public school districts;

40 “[*(b)*] (B) Public universities listed in ORS 352.002[, *if the death involves an individual who is*
41 *24 years of age or younger*];

42 “[*(c)*] (C) Private post-secondary institutions of education[, *if the death involves an individual*
43 *who is 24 years of age or younger; and*];

44 “[*(d)*] (D) Any facility that provides services or resources to runaway or homeless youth[.];

45 “(E) Federally recognized Oregon tribes; and

1 “(F) Urban Indian health programs.

2 “(b) The Oregon Health Authority shall develop a statewide post-intervention protocol to
3 enable local mental health authorities to deploy uniform and effective post-intervention ef-
4 forts. In developing the post-intervention protocol, the authority shall take into consider-
5 ation the Youth Suicide Intervention and Prevention Plan developed by the Youth Suicide
6 Intervention and Prevention Coordinator under ORS 418.731 and 418.733 and may consult with
7 local mental health authorities, federally recognized Oregon tribes, urban Indian health pro-
8 grams, youth-serving entities, individuals with lived experience in suicide ideation, attempts
9 and loss, medical examiners, colleges and universities and national experts in suicide post-
10 intervention.

11 “(3) No later than 72 hours after receiving a third-party notification, including notice
12 under ORS 146.100, of the death of an individual described in subsection (2)(a) of this section,
13 if the deceased individual was not domiciled in the county where the death occurred, the lo-
14 cal mental health authority shall provide notice of the death to the local mental health au-
15 thority in the county where the deceased individual was domiciled.

16 “(4)(a) The local mental health authority in the county where an individual described in
17 subsection (2)(a) of this section was domiciled may notify the local mental health authority
18 in any other county in which the deceased individual had significant contacts, as described
19 by the Oregon Health Authority by rule.

20 “[(3) Within seven days after a death that is suspected to be a suicide of an individual 24 years
21 of age or younger, the local mental health authority in the area where the suicide occurred and any
22 public school district, public university listed in ORS 352.002 or private post-secondary institution of
23 education the individual was attending at the time of the individual’s death shall inform the Oregon
24 Health Authority, in a manner and in a format to be determined by the authority, of activities imple-
25 mented to support local entities and individuals affected by the suicide and to prevent the risk of
26 contagion. The authority shall serve as a resource to the local mental health authority and any public
27 school district, public university listed in ORS 352.002 or private post-secondary institution of education
28 the individual was attending at the time of the individual’s death as needed by the community.]

29 “[(4)(a)] (b) [If a local mental health authority receives a third-party notification of a death that is
30 suspected to be a suicide of an individual 24 years of age or younger,] The local mental health au-
31 thority **in the county where an individual described in subsection (2)(a) of this section was**
32 **domiciled** shall provide notice of the death to the following local systems that had contact with the
33 deceased individual:

34 “(A) The principal or superintendent of relevant area public schools, the principal of relevant
35 area private schools or any public university listed in ORS 352.002 or private post-secondary insti-
36 tution of education the individual was attending at the time of the individual’s death;

37 “(B) The juvenile department;

38 “(C) Community developmental disabilities programs;

39 “(D) Local child welfare agencies;

40 “(E) Local substance use disorder programs; [or]

41 “(F) **Urban Indian health programs; or**

42 “[(F)] (G) Any other organization or person identified by the local mental health authority as
43 necessary to receive notice to preserve the public health.

44 “(c) **No later than seven days after receiving notice of the death of an individual de-**
45 **scribed in subsection (2)(a) of this section, each local mental health authority in a county in**

1 which the deceased individual had significant contacts, as described by the Oregon Health
2 Authority by rule, and any public school district, public university listed in ORS 352.002 or
3 private post-secondary institution of education the individual was attending at the time of
4 the individual's death shall inform the Oregon Health Authority, in a manner and in a format
5 determined by the authority, of activities implemented to support local entities and individ-
6 uals affected by the suicide and to prevent the risk of contagion. The authority shall serve
7 as a resource to the local mental health authorities and any public school district, public
8 university listed in ORS 352.002 or private post-secondary institution of education the indi-
9 vidual was attending at the time of the individual's death as needed by the community.

10 “[*(b)*] **(5)** [*The notification in paragraph (a) of this subsection*] **The notifications described in**
11 **subsections (3) and (4) of this section** must contain the following information regarding the de-
12 ceased individual to enable the local systems to deploy effective post-intervention efforts:

13 “(A) The name of the deceased individual;

14 “(B) The birth date of the deceased individual;

15 “(C) The date of death of the deceased individual;

16 “**(D) The suspected manner of death;**

17 “**(E) A description of the cause of death;** and

18 “[*(D)*] **(F)** Any other information that the local mental health authority determines is necessary
19 to preserve the public health and that is not otherwise protected from public disclosure by state or
20 federal law.

21 “[*(c)* As used in this subsection, ‘*third-party notification*’ means notification from a source other
22 than a patient in a program administered by the local mental health authority during the patient’s
23 treatment.]

24 “**SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021**
25 **regular session of the Eighty-first Legislative Assembly adjourns sine die.”**