

OVERDOSE FATALITY REVIEW ACT (EXCERPT)
Act 313 of 2023

330.3027 Confidentiality requirements; written request for information; fees.

Sec. 7.

(1) Except as otherwise expressly prohibited by federal or state law and subject to subsection (2), overdose fatality review team members and individuals invited under section 5(5) may discuss confidential matters and share confidential information, as outlined in data sharing agreements, during an overdose fatality review team meeting. This act does not authorize the disclosure of confidential information described under this subsection outside of the meeting.

(2) If an individual has not signed a confidentiality form, that individual must not participate in or observe an overdose fatality review team meeting, individual overdose review, or community overdose review. A confidentiality form required under this subsection must summarize the purpose and goal of the meeting or review, the requirements for maintaining the confidentiality of any information disclosed during the meeting, and any consequences for the failure to maintain confidentiality.

(3) Except as otherwise expressly prohibited by federal or state law and subject to subsection (5), on written request of the chairperson, a health care provider, substance use disorder treatment provider, hospital, or health system shall, not more than 30 business days after receiving the request, provide the chairperson information and relevant records regarding the physical health, mental health, or treatment for substance use disorder of an individual who is the subject of an individual overdose review of the overdose fatality review team.

(4) Except as otherwise expressly prohibited by federal or state law and subject to subsection (5), on written request of the chairperson, a person shall, not more than 5 business days after receiving the request, provide the chairperson the following information and records:

(a) The following information or records regarding the individual who is the subject of an individual overdose review:

- (i) Death investigative information.
- (ii) Medical examiner investigative information.
- (iii) Law enforcement investigative information.
- (iv) Emergency medical services reports.
- (v) Fire department records.
- (vi) Prosecuting attorney records.
- (vii) Parole and probation information and records.
- (viii) Court records.
- (ix) School records.

(x) Information and records regarding resources provided by a social services agency.

(b) Information and records regarding resources provided by a social services agency to a family member of the individual who is the subject of an individual overdose review.

(5) A person that provides the chairperson records or information under subsection (3) or (4) may charge the overdose fatality review team a fee in the same manner as a public body may charge a fee under section 4 of the freedom of information act, 1976 PA 442, MCL 15.234.

(6) If a family member or friend of the individual who is the subject of an individual overdose review submits a request to submit information to an overdose fatality review team, a member of that team may contact, interview, or obtain the information about the individual from that family member or friend.

(7) Except as provided in section 5(8), information obtained or created by or for an overdose fatality review team is confidential and not subject to discovery, subpoena, or the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Documents and records otherwise available from other sources are not exempt from discovery, subpoena, or introduction into evidence from other sources solely because they were presented to or reviewed by an overdose fatality review team.

(8) An overdose fatality review team shall comply with federal and state laws pertaining to confidentiality and to the disclosure of substance use disorder treatment records, including, but not limited to, 42 USC 290dd-2 and 42 CFR part 2.

History: 2023, Act 313, Eff. Feb. 13, 2024