

Amendment to SB 744

1 Amend RSA 126-BB:1, I as inserted by section 2 of the bill by inserting after subparagraph (s) the
2 following new subparagraph:

3
4 (t) A suicide prevention specialist, appointed by NAMI-New Hampshire.

5
6 Amend RSA 126-BB:1, II as inserted by section 2 of the bill by replacing it with the following:

7
8 II.(a) Legislative members of the commission shall receive mileage at the legislative rate
9 when attending to the duties of the commission.

10 (b) A member of the commission appointed under subparagraphs I(a)-(g) or (s) shall
11 serve a term conterminous with their term in office. A member appointed under subparagraph I(h)-
12 (r) or (t) shall serve a 6-year term, provided that initial appointments shall be for staggered terms of
13 one to 6 years.

14 (c) Members of the commission shall sign confidentiality statements that prohibit any
15 unauthorized dissemination of information except when disclosures may be necessary to enable the
16 commission to carry out its duties under this subdivision. No material shall be used for reasons
17 other than for which it was intended.

18
19 Amend RSA 126-BB:1, III(b) as inserted by section 2 of the bill by replacing it with the following:

20
21 (b)(1) Upon the request of the chairperson of the commission and as necessary to carry
22 out the commission's duties, the chairperson shall be provided, within 5 days excluding weekends
23 and holidays, with access to information and records regarding a drug overdose fatality that is being
24 reviewed by the commission or regarding the person who overdosed on drugs. The commission may
25 request the information and records from any of the following:

26 (A) A provider of medical, dental or behavioral health care.

27 (B) Any state or a political subdivision of this state that might assist the
28 commission in reviewing the fatality.

29 (2) A law enforcement agency, with the approval of the prosecuting attorney, may
30 withhold from a review team investigative records that may interfere with a pending criminal
31 investigation or prosecution.

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1 Amend RSA 126-BB:1, V(d) as inserted by section 2 of the bill by replacing it with the following:

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3 (d) Review all overdose fatalities except for fatalities of children under 18 years of age
4 and fatalities related to women while pregnant or with one year of the end of pregnancy.

5 (e) Complete an annual statistical report on the incidence and causes of overdose
6 fatalities in this state during the past fiscal year and submit a copy of this report, including its
7 recommendations for proposed legislation and actions, to the governor, the senate president, and the
8 speaker of the house of representatives. The commission shall submit the report on or before
9 December 15 of each year commencing on December 15, 2021.

10
11 Amend RSA 126-BB:1, VI(a) as inserted by section 2 of the bill by replacing it with the following:

12
13 (a) Call witnesses or take testimony from individuals who have been identified by the
14 department of justice as potential witnesses in any criminal prosecution arising from an overdose
15 death until the completion of such prosecution.

16
17 Amend RSA 126-BB:1, VIII as inserted by section 2 of the bill by replacing it with the following:

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19 VIII.(a) The commission shall maintain the confidentiality of all records pursuant to RSA
20 169-C:25, RSA 170-G:8-a, and all other related confidentiality laws.

21 (b) The information and records obtained and created in execution of the commission's
22 official functions shall be exempt from disclosure pursuant to RSA 91-A and shall be privileged and
23 exempt from use or disclosure in any criminal or civil matter or administrative proceeding. No
24 person who participates in the official functions of the commission shall be compelled to testify or
25 produce evidence in any judicial or administrative proceeding with respect to any matter involving
26 exercise of his or her official duties.

27 (c) Commission members, their agents and employees, shall not be subject to, and shall
28 be immune from, claims, suits, liability, damages or any other recourse, civil or criminal, arising
29 from any act, proceeding, decision or determination undertaken or performed or recommendation
30 made, provided such persons acted in good faith and without malice in carrying out their
31 responsibilities authority, duties, powers and privileges of the offices conferred by this subdivision
32 upon them.

33 (d) No organization, institution, or person furnishing information, data, reports, or
34 records to the commission shall be liable in damages to any person or subject to any other recourse,
35 civil or criminal.

36 (e) Any person who knowingly discloses case records or other information obtained from
37 commission proceedings shall be guilty of a misdemeanor.