

SUBSTITUTE FOR
SENATE BILL NO. 724

A bill to amend 1953 PA 181, entitled

"An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,"

by amending section 2 (MCL 52.202), as amended by 2001 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A county medical examiner or deputy county
2 medical examiner shall investigate the cause and manner of death
3 **of an individual** under each of the following circumstances:

4 (a) The ~~case of an~~ individual ~~who has died~~ **dies** by
5 violence.

6 (b) The ~~case of an individual whose~~ **individual's** death
7 ~~was~~ **is** unexpected.

1 (c) The ~~case of an~~ individual ~~who died~~ **dies** without
2 medical attendance **by a physician, or the individual dies while**
3 **under home hospice care without medical attendance by a physician**
4 **or a registered nurse**, during the 48 hours immediately preceding
5 the time of death, unless the attending physician, if any, is
6 able to determine accurately the cause of death.

7 (d) The ~~case of an~~ individual ~~who has died~~ **dies** as the
8 result of an abortion, whether self-induced or otherwise.

9 (2) If a prisoner in a county or city jail dies while ~~so~~
10 imprisoned, the county medical examiner or deputy county medical
11 examiner, upon being notified of the death of the prisoner, shall
12 examine the body of the deceased prisoner.

13 (3) In conducting an investigation under subsection (1) or
14 (2), a county medical examiner or deputy county medical examiner
15 may request the circuit court to issue a subpoena to produce
16 medical records, books, papers, documents, or other items related
17 to the death being investigated. The circuit court may punish
18 failure to obey a subpoena issued under this section as contempt
19 of court.

20 (4) Medical records, books, papers, documents, or other items
21 that a county medical examiner or deputy county medical examiner
22 obtains in conducting an investigation under this act, whether in
23 response to a subpoena or otherwise, are exempt from disclosure
24 under the freedom of information act, 1976 PA 442, MCL 15.231 to
25 15.246.

26 (5) **As used in this section:**

27 (a) **"Home hospice care" means a program of planned and**

1 continuous hospice care provided by a hospice or a hospice
2 residence that consists of a coordinated set of services rendered
3 to an individual at his or her home on a continuous basis for a
4 disease or condition with a terminal prognosis.

5 (b) "Physician" means a person licensed as a physician under
6 part 170 or part 175 of the public health code, 1978 PA 368, MCL
7 333.17001 to 333.17084 and 333.17501 to 333.17556.

8 (c) "Registered nurse" means a person licensed as a
9 registered professional nurse under part 172 of the public health
10 code, 1978 PA 368, MCL 333.17201 to 333.17242.