

# SENATE BILL No. 724

September 23, 2003, Introduced by Senators GEORGE, GILBERT, TOY, BIRKHOLZ, ALLEN, GARCIA, CROPSEY, McMANUS, VAN WOERKOM, JELINEK, JOHNSON, KUIPERS, SIKKEMA, HAMMERSTROM, JACOBS, SCHAUER and CHERRY and referred to the Committee on Health Policy.

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~~ **Except as otherwise provided in this**  
2 **section, a** county medical examiner or deputy county medical  
3 examiner shall investigate the cause and manner of death **of an**  
4 **individual** under each of the following circumstances:

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

7       (b) The ~~case of an individual whose~~ **individual's** death

1 ~~was~~ **is** unexpected.

2 (c) The ~~case of an~~ individual ~~who died~~ **dies** without  
3 medical attendance during the 48 hours immediately preceding the  
4 time of death, unless the attending physician, if any, is able to  
5 determine accurately the cause of death.

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

8 (2) If an individual who is certified as being terminally ill  
9 dies while under hospice care and did not receive medical  
10 attendance during the 48 hours immediately preceding the time of  
11 death, the county medical examiner or the deputy county medical  
12 examiner, upon being notified of the death of the hospice  
13 patient, shall not investigate the cause and manner of death of  
14 that individual unless he or she reasonably believes that the  
15 death is a result of suspicious circumstances or the  
16 investigation is requested by the attending physician, if any, or  
17 a family member. As used in this subsection, "hospice care"  
18 means a program of planned and continuous hospice care provided  
19 by a hospice or a hospice residence that consists of a  
20 coordinated set of services rendered at home or in a hospice  
21 residence or other institutional settings on a continuous basis  
22 for individuals suffering from a disease or condition with a  
23 terminal prognosis.

24 (3) ~~-(2)-~~ If a prisoner in a county or city jail dies while  
25 ~~so~~ imprisoned, the county medical examiner or deputy county  
26 medical examiner, upon being notified of the death of the  
27 prisoner, shall examine the body of the deceased prisoner.

1       **(4)** ~~—(3)—~~ In conducting an investigation under  
2 subsection (1), ~~or~~ (2), **or (3)**, a county medical examiner or  
3 deputy county medical examiner may request the circuit court to  
4 issue a subpoena to produce medical records, books, papers,  
5 documents, or other items related to the death being  
6 investigated. The circuit court may punish failure to obey a  
7 subpoena issued under this section as contempt of court.

8       **(5)** ~~—(4)—~~ Medical records, books, papers, documents, or other  
9 items that a county medical examiner or deputy county medical  
10 examiner obtains in conducting an investigation under this act,  
11 whether in response to a subpoena or otherwise, are exempt from  
12 disclosure under the freedom of information act, 1976 PA 442, MCL  
13 15.231 to 15.246.