

HOUSE BILL No. 6308

July 12, 2006, Introduced by Reps. Sak, Plakas, Gaffney, Adamini, Brown, Green, Alma Smith, Leland, Espinoza, Kooiman, Bennett, Farrah, Gonzales, Steil, Gleason, Byrum, Hansen, Vander Veen, Wojno, Angerer, Nofs, Vagnozzi, McDowell, Farhat and Clack 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 sections 3, 4, and 5 (MCL 52.203, 52.204, and 52.205), section 5 as amended by 1980 PA 401.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) Any physician and any person in charge of any
2 hospital or institution, or any person who shall have first
3 knowledge of the death of any person who shall have died suddenly,

1 unexpectedly, accidentally, violently, or as the result of any
2 suspicious circumstances, or without medical attendance during the
3 48 hours prior to the hour of death unless the attending physician,
4 if any, is able to determine accurately the cause of death, or in
5 any case of death due to what is commonly known as an abortion,
6 whether self-induced or otherwise, shall notify the county medical
7 examiner or his OR HER deputy immediately of the death.

8 (2) IF THE PHYSICIAN, PERSON IN CHARGE OF ANY HOSPITAL OR
9 INSTITUTION, OR OTHER PERSON WHO HAS FIRST KNOWLEDGE OF THE DEATH
10 OF A PERSON AS DESCRIBED UNDER SUBSECTION (1) HAS KNOWLEDGE THAT
11 THERE WERE 2 OR MORE INDIVIDUALS INVOLVED IN THE SAME ACCIDENT WHO
12 WERE APPROXIMATELY THE SAME AGE, SEX, AND RACE, THEN HE OR SHE
13 SHALL MAKE THE COUNTY MEDICAL EXAMINER OR HIS OR HER DEPUTY AWARE
14 OF THAT FACT WHEN NOTIFYING THE EXAMINER OR DEPUTY OF THE DEATH AS
15 REQUIRED UNDER SUBSECTION (1).

16 Sec. 4. It shall be unlawful for any funeral director,
17 embalmer, or other person to remove the body from the place where
18 death occurred, or to prepare the body for burial or shipment, when
19 such funeral director, embalmer, or other person knows or upon
20 reasonable investigation should know that death may have occurred
21 in a manner as indicated in section 3 OR THAT THE ACCIDENT WHICH
22 RESULTED IN THE DEATH INVOLVED 2 OR MORE INDIVIDUALS WHO WERE
23 APPROXIMATELY THE SAME AGE, SEX, AND RACE, without first notifying
24 the county medical examiner or his OR HER deputy and receiving
25 permission to remove, prepare for burial, or ship such body. Any
26 person who violates the provisions of this section is guilty of a
27 misdemeanor and may be imprisoned not exceeding 1 year — or fined

1 not exceeding \$500.00, or both.

2 Sec. 5. (1) When a county medical examiner has notice that
3 there has been found within his or her county or district the body
4 of a person who is supposed to have come to his or her death in a
5 manner as indicated in section 3, the medical examiner shall take
6 charge of the body, and if, on view of the body and personal
7 inquiry into the cause and manner of the death, the medical
8 examiner considers a further examination necessary, the county
9 medical examiner or a deputy may cause the dead body to be removed
10 to the public morgue. If the investigation is for the reason only
11 that the dead person had no medical attendance during 48 hours
12 before the hour of death, and if the dead person had chosen not to
13 have medical attendance because of his or her bona fide held
14 religious convictions, removal shall not be required unless there
15 is evidence of other conditions stipulated in section 3. If there
16 is no public morgue, then the body may be removed to a private
17 morgue as the county medical examiner has designated.

18 (2) The medical examiner may designate a person appointed
19 pursuant to section 1a(2) to take charge of the body, make
20 pertinent inquiry, note the circumstances surrounding the death,
21 and, if considered necessary, cause the body to be transported to
22 the morgue for examination by the medical examiner. The medical
23 examiner shall maintain a list of persons appointed pursuant to
24 section 1a(2) and their qualifications which shall be filed with
25 the local law enforcement agencies. The person appointed pursuant
26 to section 1a(2) shall not be an agent or employee of any person or
27 funeral establishment licensed under ~~Act No. 268 of the Public~~

1 ~~Acts of 1949, as amended, being sections 338.861 to 338.875 of the~~
2 ~~Michigan Compiled Laws~~ **ARTICLE 18 OF THE OCCUPATIONAL CODE, 1980**
3 **PA 299, MCL 339.1801 TO 339.1812**, receive, directly or indirectly,
4 any remuneration in connection with the disposition of the body or
5 make any funeral or burial arrangements without approval of the
6 next of kin, if they are found, or the person responsible for the
7 funeral expenses.

8 (3) The county medical examiner may perform or direct to be
9 performed an autopsy and shall carefully reduce or cause to be
10 reduced to writing every fact and circumstance tending to show the
11 condition of the body and the cause and manner of death, together
12 with the names and addresses of any persons present at the autopsy,
13 which record he or she shall subscribe.

14 (4) The medical examiner shall ascertain the identity of the
15 deceased and notify immediately as compassionately as possible the
16 next of kin of the death and the location of the body except that
17 such notification is not required if a person from the state
18 police, ~~or~~ a county sheriff department, ~~or~~ a township police
19 department, or a municipal police department states to the medical
20 examiner that the notification has already occurred. **IF VISUAL**
21 **IDENTIFICATION OF AN INDIVIDUAL IS IMPOSSIBLE AS A RESULT OF BURNS,**
22 **DECOMPOSITION, OR OTHER DISFIGURING INJURIES OR IF THE COUNTY**
23 **MEDICAL EXAMINER IS AWARE THAT THE DEATH IS THE RESULT OF AN**
24 **ACCIDENT THAT INVOLVED 2 OR MORE INDIVIDUALS WHO WERE APPROXIMATELY**
25 **THE SAME AGE, SEX, AND RACE, THEN THE COUNTY MEDICAL EXAMINER SHALL**
26 **VERIFY THE IDENTITY OF THE DECEASED THROUGH FINGERPRINTS, DENTAL**
27 **RECORDS, DNA, OR OTHER DEFINITIVE IDENTIFICATION PROCEDURES.** The

1 county medical examiner may conduct an autopsy if he or she
2 determines that an autopsy reasonably appears to be required
3 pursuant to law. After the county medical examiner, ~~or~~ a deputy,
4 ~~or~~ a person from the state police, ~~or~~ a county sheriff
5 department, ~~or~~ a township police department, or a municipal
6 police department has made diligent effort to locate and notify the
7 next of kin, he or she may order and conduct the autopsy with or
8 without the consent of the next of kin of the deceased.

9 (5) The county medical examiner or a deputy shall keep a
10 written record of the efforts to locate and notify the next of kin
11 for a period of 1 year from the date of the autopsy. The county
12 medical examiner shall, after any required examination or autopsy,
13 promptly deliver or return the body to relatives or representatives
14 of the deceased or, if there are no relatives or representatives
15 known to the examiner, he or she may cause the body to be decently
16 buried, except that the medical examiner may retain, as long as may
17 be necessary, any portion of the body believed by the medical
18 examiner to be necessary for the detection of any crime.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 6309(request no.
21 07082'06 a) of the 93rd Legislature is enacted into law.