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## BILL ANALYSIS



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Senate Bill 800 (as introduced 9-10-09)  
Sponsor: Senator Roger Kahn, M.D.  
Committee: Local, Urban and State Affairs

Date Completed: 2-8-10

**CONTENT**

**The bill would amend Public Act 181 of 1953 (which governs county medical examiners) to authorize a county medical examiner to dispose of human remains if they were no longer necessary for an examination or autopsy; and provide immunity from civil liability for a person performing medical examiner duties in good faith.**

Under the Act, if a county medical examiner has notice that the body of an individual who may have died under any of the following circumstances has been found within the county, he or she must take charge of the body:

- Suddenly.
- Unexpectedly.
- Violently.
- As the result of any suspicious circumstances.
- Without medical attendance during the 48 hours before the hour of death, unless the attending physician is able to determine accurately the cause of death.
- Due to an abortion, whether self-induced or otherwise.

If, after examining the body and investigating the cause and manner of the death, the medical examiner considers a further examination necessary, he or she or a deputy may have the body removed to the public morgue. The bill would delete the reference to the medical examiner's deputy in this provision.

Except as otherwise provided, the medical examiner must promptly deliver or return the body or any portion of it to relatives or representatives of the decedent after an examination or autopsy is performed. If there are no relatives or representatives known to the medical examiner, he or she may have the body buried pursuant to law. The medical examiner, however, may retain for as long as may be necessary any portion of the body he or she believes to be necessary for the detection of any crime. Under the bill, instead, the medical examiner could retain any portion of the body he or she considered necessary to establish the cause of death, the conditions contributing to death, or the manner of death, or as evidence of any crime. Upon determining that it was no longer necessary to retain the portions of the body, the medical examiner could dispose of them in the manner prescribed for medical waste under the Public Health Code.

The bill provides that a county medical examiner or any person acting under his or her authority in the performance of medical examiner duties under the Act, including autopsy



dissection, diagnoses, opinions, or certification of death, would not be liable in a civil action for damages as a result of an act or omission by the person arising out of and in the course of his or her good faith performance of medical examiner duties, unless the person's act or omission was the result of his or her gross negligence or willful misconduct.

MCL 52.205

Legislative Analyst: Julie Cassidy

**FISCAL IMPACT**

The bill would have no effect on State revenue or expenditure. The bill would likely have a minimal effect on local units of government. Expenditures could be reduced by an unknown amount to the extent that the changes would either reduce local unit court costs in defending certain medical examiner actions or lower costs associated with the handling or disposal of organs or bodies.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.