

SUBSTITUTE FOR
SENATE BILL NO. 800

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 5 (MCL 52.205), as amended by 2006 PA 569.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~When~~**IF** a county medical examiner has notice that
2 ~~there has been found within his or her county or district the body~~
3 ~~of a person~~**AN INDIVIDUAL** who ~~is supposed to have come to his or~~
4 ~~her death~~**MAY HAVE DIED** in a manner ~~as indicated~~**DESCRIBED** in
5 section 3 **HAS BEEN FOUND WITHIN THE COUNTY MEDICAL EXAMINER'S**
6 **COUNTY**, the **COUNTY** medical examiner shall take charge of the body.

1 ~~and if, on view of~~ **IF AFTER EXAMINING** the body and personal
2 ~~inquiry into~~ **INVESTIGATING** the cause and manner of the death ~~the~~
3 **COUNTY** medical examiner considers a further examination necessary,
4 ~~the county medical examiner or a deputy~~ **HE OR SHE** may cause the
5 ~~dead~~ body to be removed to the public morgue. If the investigation
6 is **SOLELY** for the reason ~~only~~ that the ~~dead person~~ **DECEDENT** had no
7 medical attendance during **THE** 48 hours ~~before~~ **IMMEDIATELY PRECEDING**
8 the hour of death, and if the ~~dead person~~ **DECEDENT** had chosen not
9 to have medical attendance because of his or her bona fide held
10 religious convictions, removal ~~shall~~ **IS** not ~~be~~ required unless
11 there is evidence of other conditions ~~stipulated~~ **DESCRIBED** in
12 section 3. If there is no public morgue, ~~then~~ the body may be
13 removed to a private morgue ~~as~~ **DESIGNATED BY** the county medical
14 examiner. ~~has designated.~~

15 (2) The **COUNTY** medical examiner may designate a ~~person~~ **MEDICAL**
16 **EXAMINER INVESTIGATOR** appointed ~~pursuant to~~ **UNDER** section 1a(2) to
17 take charge of the body, make pertinent inquiry, note the
18 circumstances surrounding the death, and, if considered necessary,
19 cause the body to be transported to the morgue for examination by
20 the **COUNTY** medical examiner. The **COUNTY** medical examiner shall
21 maintain a list of ~~persons~~ **MEDICAL EXAMINER INVESTIGATORS** appointed
22 ~~pursuant to~~ **UNDER** section 1a(2) and their qualifications ~~which~~ **AND**
23 ~~shall be filed~~ **FILE THE LIST** with the local law enforcement
24 agencies. ~~The person~~ **A MEDICAL EXAMINER INVESTIGATOR** appointed
25 ~~pursuant to~~ **UNDER** section 1a(2) shall not be an agent or employee
26 of ~~any~~ **A** person or funeral establishment licensed under article 18
27 of the occupational code, 1980 PA 299, MCL 339.1801 to 339.1812,

1 receive, directly or indirectly, ~~any~~ remuneration in connection
2 with the disposition of the body, or make ~~any~~ funeral or burial
3 arrangements without approval of the next of kin, if ~~they are found~~
4 **KNOWN**, or the ~~person~~-**INDIVIDUAL** responsible for the funeral
5 expenses.

6 (3) The county medical examiner may perform or direct to be
7 performed an autopsy and shall carefully reduce or cause to be
8 reduced to writing ~~every~~-**EACH** fact and circumstance tending to show
9 the condition of the body and the cause and manner of death,
10 ~~together with~~-**AND SHALL INCLUDE IN THAT WRITING** the ~~names~~-**NAME** and
11 ~~addresses~~-**ADDRESS** of ~~any persons~~-**EACH INDIVIDUAL** present at the
12 autopsy. ~~, which record he or she shall subscribe.~~-**THE INDIVIDUAL**
13 **PERFORMING THE AUTOPSY SHALL SUBSCRIBE THE WRITING DESCRIBED IN**
14 **THIS SUBSECTION.**

15 (4) ~~The~~-**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
16 **COUNTY** medical examiner shall ascertain the identity of the
17 ~~deceased~~-**DECEDENT** and ~~notify~~-immediately **AND** as compassionately as
18 possible **NOTIFY** the next of kin of the **DECEDENT'S** death and the
19 location of the body. ~~except that such~~-**THE** notification **DESCRIBED**
20 **IN THIS SUBSECTION** is not required if a person from the state
21 police, a county sheriff department, a township police department,
22 or a municipal police department states to the **COUNTY** medical
23 examiner that the notification has already occurred.

24 (5) If visual identification of ~~an individual~~-**A DECEDENT** is
25 impossible as a result of burns, decomposition, or other
26 disfiguring injuries or if the county medical examiner is aware
27 that the death is the result of an accident that involved 2 or more

1 individuals who were approximately the same age, sex, height,
2 weight, hair color, eye color, and race, then the county medical
3 examiner shall verify the identity of the ~~deceased~~ **DECEDENT** through
4 fingerprints, dental records, DNA, or other definitive
5 identification procedures and, if the accident resulted in the
6 survival of any individuals with the same attributes, shall notify
7 the respective hospital or institution of his or her findings. The
8 county medical examiner may conduct an autopsy **UNDER SUBSECTION (3)**
9 if he or she determines that an autopsy reasonably appears to be
10 required pursuant to law. After the county medical examiner, a
11 deputy, a person from the state police, a county sheriff
12 department, a township police department, or a municipal police
13 department has made diligent effort to locate and notify the next
14 of kin, ~~he or she~~ **THE COUNTY MEDICAL EXAMINER** may order and conduct
15 the autopsy with or without the consent of the next of kin of the
16 ~~deceased~~ **DECEDENT**. ~~(5)~~ The county medical examiner or a deputy
17 shall keep a written record of the efforts to locate and notify the
18 next of kin for a period of 1 year from the date of the autopsy.

19 **(6) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
20 county medical examiner shall ~~, after any required examination or~~
21 ~~autopsy,~~ promptly deliver or return the body **OR ANY PORTION OF THE**
22 **BODY** to relatives or representatives of the ~~deceased~~ ~~or, if~~
23 **DECEDENT AFTER AN EXAMINATION OR AUTOPSY IS PERFORMED UNDER THIS**
24 **SECTION. IF** there are no relatives or representatives **OF THE**
25 **DECEDENT** known to the **COUNTY MEDICAL** examiner, he or she may cause
26 the body to be ~~decently~~ buried ~~, except that the medical examiner~~
27 **PURSUANT TO LAW. A COUNTY MEDICAL EXAMINER** may retain ~~, as long as~~

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1 ~~may be necessary, any portion of the body believed by the medical~~
 2 ~~examiner to be~~ THAT HE OR SHE CONSIDERS necessary ~~for the detection~~
 3 TO ESTABLISH THE CAUSE OF DEATH, THE CONDITIONS CONTRIBUTING TO
 4 DEATH, OR THE MANNER OF DEATH, OR AS EVIDENCE of any crime. IF A
 5 PORTION OF THE BODY RETAINED IS AN ENTIRE ORGAN OR LIMB OF THE
 6 DECEDENT, THE COUNTY MEDICAL EXAMINER SHALL ATTEMPT TO VERBALLY OR
 7 IN WRITING NOTIFY THE RELATIVES OR REPRESENTATIVES OF THE DECEDENT
 8 OF THAT RETENTION AND OFFER AN OPPORTUNITY FOR THE RELATIVE OR
 9 REPRESENTATIVE TO REQUEST THE RETURN OF THAT ORGAN OR LIMB. IF
 10 NOTIFICATION IS VERBALLY MADE UNDER THIS SUBSECTION, THE COUNTY
 11 MEDICAL EXAMINER SHALL FOLLOW UP WITH WRITTEN NOTIFICATION. THE
 12 COUNTY MEDICAL EXAMINER OR A DEPUTY SHALL KEEP A WRITTEN RECORD OF
 13 THE EFFORTS TO NOTIFY THE RELATIVES OR REPRESENTATIVES OF THE
 14 DECEDENT UNDER THIS SUBSECTION FOR A PERIOD OF 1 YEAR FROM THE DATE
 15 OF THE NOTIFICATION OR ATTEMPT TO NOTIFY. UPON DETERMINATION THAT
 16 RETENTION OF THE PORTIONS OF THE BODY IS NO LONGER NECESSARY UNDER
 17 THIS SUBSECTION, THE COUNTY MEDICAL EXAMINER SHALL DO ALL OF THE
 18 FOLLOWING, AS APPLICABLE:

19 (A) IF REQUESTED IN WRITING UNDER THIS SUBSECTION, PROMPTLY
 20 DELIVER OR RETURN THE RETAINED ORGAN OR LIMB TO THE RELATIVES OR
 21 REPRESENTATIVES OF THE DECEDENT.

22 (B) DISPOSE OF ANY REMAINING RETAINED BODY PORTIONS IN THE
 23 MANNER PRESCRIBED FOR MEDICAL WASTE UNDER PART 138 OF THE PUBLIC
 24 HEALTH CODE, 1978 PA 368, MCL 333.13801 TO 333.13831.

<<(C) THIS SECTION DOES NOT APPLY TO ANATOMICAL GIFTS MADE UNDER
 PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101, ET.SEQ.>>

25 (7) A COUNTY MEDICAL EXAMINER OR ANY PERSON ACTING UNDER THE
 26 AUTHORITY OF THE COUNTY MEDICAL EXAMINER IN THE PERFORMANCE OF
 27 MEDICAL EXAMINER DUTIES UNDER THIS ACT, INCLUDING, BUT NOT LIMITED

1 TO, AUTOPSY DISSECTION, DIAGNOSES, OPINIONS, OR CERTIFICATION OF
2 DEATH, SHALL NOT BE LIABLE IN A CIVIL ACTION FOR DAMAGES AS A
3 RESULT OF AN ACT OR OMISSION BY THE PERSON ARISING OUT OF AND IN
4 THE COURSE OF THE PERSON'S GOOD FAITH PERFORMANCE OF MEDICAL
5 EXAMINER DUTIES UNLESS THE PERSON'S ACT OR OMISSION WAS THE RESULT
6 OF THAT PERSON'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.