

SENATE BILL No. 800

September 10, 2009, Introduced by Senator KAHN and referred to the Committee on Local, Urban and State Affairs.

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. HOWEVER, A COUNTY MEDICAL EXAMINER** may retain ~~, as~~

1 ~~long as may be necessary, any portion of the body believed by the~~
2 ~~medical examiner to be~~ THAT HE OR SHE CONSIDERS necessary ~~for the~~
3 ~~detection~~ TO ESTABLISH THE CAUSE OF DEATH, THE CONDITIONS
4 CONTRIBUTING TO DEATH, OR THE MANNER OF DEATH, OR AS EVIDENCE of
5 any crime. UPON DETERMINATION THAT RETENTION OF THE PORTIONS OF THE
6 BODY IS NO LONGER NECESSARY UNDER THIS SUBSECTION, THE COUNTY
7 MEDICAL EXAMINER MAY DISPOSE OF THE RETAINED BODY PORTIONS IN THE
8 MANNER PRESCRIBED FOR MEDICAL WASTE UNDER PART 138 OF THE PUBLIC
9 HEALTH CODE, 1978 PA 368, MCL 333.13801 TO 333.13831.

10 (7) A COUNTY MEDICAL EXAMINER OR ANY PERSON ACTING UNDER THE
11 AUTHORITY OF THE COUNTY MEDICAL EXAMINER IN THE PERFORMANCE OF
12 MEDICAL EXAMINER DUTIES UNDER THIS ACT, INCLUDING, BUT NOT LIMITED
13 TO, AUTOPSY DISSECTION, DIAGNOSES, OPINIONS, OR CERTIFICATION OF
14 DEATH, SHALL NOT BE LIABLE IN A CIVIL ACTION FOR DAMAGES AS A
15 RESULT OF AN ACT OR OMISSION BY THE PERSON ARISING OUT OF AND IN
16 THE COURSE OF THE PERSON'S GOOD FAITH PERFORMANCE OF MEDICAL
17 EXAMINER DUTIES UNLESS THE PERSON'S ACT OR OMISSION WAS THE RESULT
18 OF THAT PERSON'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.