

HOUSE BILL No. 6075

May 24, 2018, Introduced by Rep. Cole and referred to the Committee on Local Government.

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 2010 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) If a county medical examiner has notice that the
2 body of an individual who may have died in a manner described in
3 section 3 has been found within the county medical examiner's
4 county, the county medical examiner shall take charge of the body.

1 If after examining the body and investigating the cause and manner
2 of the death the county medical examiner considers a further
3 examination necessary, he or she may cause the body to be removed
4 to the public morgue. If the investigation is solely for the reason
5 that the decedent had no medical attendance during the 48 hours
6 immediately preceding the hour of death, and if the decedent had
7 chosen not to have medical attendance because of his or her bona
8 fide held religious convictions, removal is not required unless
9 there is evidence of other conditions described in section 3. If
10 there is no public morgue, the body may be removed to a private
11 morgue designated by the county medical examiner.

12 (2) The county medical examiner may designate a medical
13 examiner investigator appointed under section 1a(2) to take charge
14 of the body, make pertinent inquiry, note the circumstances
15 surrounding the death, and, if considered necessary, cause the body
16 to be transported to the morgue for examination by the county
17 medical examiner. The county medical examiner shall maintain a list
18 of medical examiner investigators appointed under section 1a(2) and
19 their qualifications and shall file the list with the local law
20 enforcement agencies. ~~A-EXCEPT IN A COUNTY WITH A POPULATION OF~~
21 ~~50,000 OR LESS AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL~~
22 ~~CENSUS, A~~ medical examiner investigator appointed under section
23 1a(2) ~~shall~~**MUST** not **DO ANY OF THE FOLLOWING:** ~~be~~

24 (A) **BE** an agent or employee of a person or funeral
25 establishment licensed under article 18 of the occupational code,
26 1980 PA 299, MCL 339.1801 to 339.1812. ~~, receive,~~

27 (B) **RECEIVE** directly or indirectly, remuneration in connection

1 with the disposition of the body. ~~or make~~

2 (C) **MAKE** funeral or burial arrangements without approval of
3 the next of kin, if known, or the individual responsible for the
4 funeral expenses.

5 (3) The county medical examiner may perform or direct to be
6 performed an autopsy and shall carefully reduce or cause to be
7 reduced to writing each fact and circumstance tending to show the
8 condition of the body and the cause and manner of death, and shall
9 include in that writing the name and address of each individual
10 present at the autopsy. The individual performing the autopsy shall
11 subscribe the writing described in this subsection.

12 (4) Except as otherwise provided in this subsection, the
13 county medical examiner shall ascertain the identity of the
14 decedent and immediately and as compassionately as possible notify
15 the next of kin of the decedent's death and the location of the
16 body. The notification described in this subsection is not required
17 if a person from the state police, a county sheriff department, a
18 township police department, or a municipal police department states
19 to the county medical examiner that the notification has already
20 occurred.

21 (5) If visual identification of a decedent is impossible as a
22 result of burns, decomposition, or other disfiguring injuries or if
23 the county medical examiner is aware that the death is the result
24 of an accident that involved 2 or more individuals who were
25 approximately the same age, sex, height, weight, hair color, eye
26 color, and race, then the county medical examiner shall verify the
27 identity of the decedent through fingerprints, dental records, DNA,

1 or other definitive identification procedures and, if the accident
2 resulted in the survival of any individuals with the same
3 attributes, shall notify the respective hospital or institution of
4 his or her findings. The county medical examiner may conduct an
5 autopsy under subsection (3) if he or she determines that an
6 autopsy reasonably appears to be required pursuant to law. After
7 the county medical examiner, a deputy, a person from the state
8 police, a county sheriff department, a township police department,
9 or a municipal police department has made diligent effort to locate
10 and notify the next of kin, the county medical examiner may order
11 and conduct the autopsy with or without the consent of the next of
12 kin of the decedent. The county medical examiner or a deputy shall
13 keep a written record of the efforts to locate and notify the next
14 of kin for a period of 1 year from the date of the autopsy.

15 (6) Except as otherwise provided in this subsection, the
16 county medical examiner shall promptly deliver or return the body
17 or any portion of the body to relatives or representatives of the
18 decedent after an examination or autopsy is performed under this
19 section. If there are no relatives or representatives of the
20 decedent known to the county medical examiner, he or she may cause
21 the body to be buried pursuant to law. A county medical examiner
22 may retain any portion of the body that he or she considers
23 necessary to establish the cause of death, the conditions
24 contributing to death, or the manner of death, or as evidence of
25 any crime. Except as otherwise provided in this subsection, if a
26 portion of the body retained is an entire organ or limb of the
27 decedent, the county medical examiner shall attempt to verbally or

1 in writing notify the relatives or representatives of the decedent
2 of that retention and offer an opportunity for the relative or
3 representative to request the return of that organ or limb. If
4 notification is verbally made under this subsection, the county
5 medical examiner shall follow up with written notification. The
6 county medical examiner or a deputy shall keep a written record of
7 the efforts to notify the relatives or representatives of the
8 decedent under this subsection for a period of 1 year from the date
9 of the notification or attempt to notify. This subsection does not
10 apply to anatomical gifts made under part 101 of the public health
11 code, 1978 PA 368, MCL 333.10101 to 333.10123. Upon determination
12 that retention of the portions of the body is no longer necessary
13 under this subsection, the county medical examiner shall do all of
14 the following, as applicable:

15 (a) If requested in writing under this subsection, promptly
16 deliver or return the retained organ or limb to the relatives or
17 representatives of the decedent.

18 (b) Dispose of any remaining retained body portions in the
19 manner prescribed for medical waste under part 138 of the public
20 health code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~. **333.13832**.

21 (7) A county medical examiner or any person acting under the
22 authority of the county medical examiner who performs the medical
23 examiner duties for the retention of body parts, as added by the
24 amendatory act that added this subsection, ~~shall~~ **IS** not ~~be~~ liable
25 in a civil action as a result of an act or omission by the person
26 arising out of and in the course of the person's good faith
27 performance of those medical examiner duties unless that person's

1 act or omission was the result of that person's negligence.

2 Enacting section 1. This amendatory act takes effect 90 days

3 after the date it is enacted into law.