

# HOUSE BILL No. 6275

June 12, 2018, Introduced by Reps. Hammoud, Wittenberg, Elder, Gay-Dagnogo and Pagan  
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 2 and 5 (MCL 52.202 and 52.205), section 2 as amended by 2012 PA 171 and section 5 as amended by 2010 PA 108, and by adding section 5b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 2. (1) ~~A~~**SUBJECT TO SECTION 5B, A** county medical examiner  
2 or deputy county medical examiner shall investigate the cause and  
3 manner of death of an individual under each of the following  
4 circumstances:

1 (a) The individual dies by violence.

2 (b) The individual's death is unexpected.

3 (c) The individual dies without medical attendance by a  
4 physician, or the individual dies while under home hospice care  
5 without medical attendance by a physician or a registered nurse,  
6 during the 48 hours immediately preceding the time of death, unless  
7 the attending physician, if any, is able to determine accurately  
8 the cause of death.

9 (d) The individual dies as the result of an abortion, whether  
10 self-induced or otherwise.

11 (2) ~~If~~ **SUBJECT TO SECTION 5B, IF** a prisoner in a county or  
12 city jail dies while imprisoned, the county medical examiner or  
13 deputy county medical examiner, upon being notified of the death of  
14 the prisoner, shall examine the body of the deceased prisoner.

15 (3) In conducting an investigation under subsection (1) or  
16 (2), a county medical examiner or deputy county medical examiner  
17 may request the circuit court to issue a subpoena to produce  
18 medical records, books, papers, documents, or other items related  
19 to the death being investigated. The circuit court may punish  
20 failure to obey a subpoena issued under this section as contempt of  
21 court.

22 (4) Medical records, books, papers, documents, or other items  
23 that a county medical examiner or deputy county medical examiner  
24 obtains in conducting an investigation under this act, whether in  
25 response to a subpoena or otherwise, are exempt from disclosure  
26 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
27 15.246.

1 (5) As used in this act:

2 (a) "Home hospice care" means a program of planned and  
3 continuous hospice care provided by a hospice or a hospice  
4 residence that consists of a coordinated set of services rendered  
5 to an individual at his or her home on a continuous basis for a  
6 disease or condition with a terminal prognosis.

7 (b) "Physician" means an individual **WHO IS** licensed as a  
8 physician under part 170 or part 175 of the public health code,  
9 1978 PA 368, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556.

10 (c) "Registered nurse" means an individual licensed as a  
11 registered professional nurse under part 172 of the public health  
12 code, 1978 PA 368, MCL 333.17201 to 333.17242.

13 Sec. 5. (1) If a county medical examiner has notice that the  
14 body of an individual who may have died in a manner described in  
15 section 3 has been found within the county medical examiner's  
16 county, the county medical examiner shall take charge of the body.  
17 If after examining the body and investigating the cause and manner  
18 of the death the county medical examiner considers a further  
19 examination necessary, he or she may cause the body to be removed  
20 to the public morgue. If the investigation is solely for the reason  
21 that the decedent had no medical attendance during the 48 hours  
22 immediately preceding the hour of death, and if the decedent had  
23 chosen not to have medical attendance because of his or her bona  
24 fide held religious convictions, removal is not required unless  
25 there is evidence of other conditions described in section 3. If  
26 there is no public morgue, the body may be removed to a private  
27 morgue designated by the county medical examiner.

1           (2) The county medical examiner may designate a medical  
2 examiner investigator appointed under section 1a(2) to take charge  
3 of the body, make pertinent inquiry, note the circumstances  
4 surrounding the death, and, if considered necessary, cause the body  
5 to be transported to the morgue for examination by the county  
6 medical examiner. The county medical examiner shall maintain a list  
7 of medical examiner investigators appointed under section 1a(2) and  
8 their qualifications and shall file the list with the local law  
9 enforcement agencies. A medical examiner investigator appointed  
10 under section 1a(2) shall not be an agent or employee of a person  
11 or funeral establishment licensed under article 18 of the  
12 occupational code, 1980 PA 299, MCL 339.1801 to 339.1812, receive,  
13 directly or indirectly, remuneration in connection with the  
14 disposition of the body, or make funeral or burial arrangements  
15 without approval of the next of kin, if known, or the individual  
16 responsible for the funeral expenses.

17           (3) ~~The~~ **SUBJECT TO SECTION 5B, THE** county medical examiner may  
18 perform or direct to be performed an autopsy and shall carefully  
19 reduce or cause to be reduced to writing each fact and circumstance  
20 tending to show the condition of the body and the cause and manner  
21 of death, and shall include in that writing the name and address of  
22 each individual present at the autopsy. The individual performing  
23 the autopsy shall subscribe the writing described in this  
24 subsection.

25           (4) Except as otherwise provided in this subsection, the  
26 county medical examiner shall ascertain the identity of the  
27 decedent and immediately and as compassionately as possible notify

1 the next of kin of the decedent's death and the location of the  
2 body. The notification described in this subsection is not required  
3 if ~~a person~~ **AN INDIVIDUAL** from the state police, a county sheriff  
4 department, a township police department, or a municipal police  
5 department states to the county medical examiner that the  
6 notification has already occurred.

7 (5) If visual identification of a decedent is impossible as a  
8 result of burns, decomposition, or other disfiguring injuries or if  
9 the county medical examiner is aware that the death is the result  
10 of an accident that involved 2 or more individuals who were  
11 approximately the same age, sex, height, weight, hair color, eye  
12 color, and race, then the county medical examiner shall verify the  
13 identity of the decedent through fingerprints, dental records, DNA,  
14 or other definitive identification procedures and, if the accident  
15 resulted in the survival of any individuals with the same  
16 attributes, shall notify the respective hospital or institution of  
17 his or her findings. The county medical examiner may conduct an  
18 autopsy under subsection (3) if he or she determines that an  
19 autopsy reasonably appears to be required pursuant to law. After  
20 the county medical examiner, a deputy, ~~a person~~ **AN INDIVIDUAL** from  
21 the state police, a county sheriff department, a township police  
22 department, or a municipal police department has made diligent  
23 effort to locate and notify the next of kin, the county medical  
24 examiner may order and conduct the autopsy with or without the  
25 consent of the next of kin of the decedent. The county medical  
26 examiner or a deputy shall keep a written record of the efforts to  
27 locate and notify the next of kin for a period of 1 year from the

1 date of the autopsy.

2 (6) Except as otherwise provided in this subsection, the  
3 county medical examiner shall promptly deliver or return the body  
4 or any portion of the body to relatives or representatives of the  
5 decedent after an examination or autopsy is performed under this  
6 section. If there are no relatives or representatives of the  
7 decedent known to the county medical examiner, he or she may cause  
8 the body to be buried pursuant to law. A county medical examiner  
9 may retain any portion of the body that he or she considers  
10 necessary to establish the cause of death, the conditions  
11 contributing to death, or the manner of death, or as evidence of  
12 any crime. Except as otherwise provided in this subsection, if a  
13 portion of the body retained is an entire organ or limb of the  
14 decedent, the county medical examiner shall attempt to verbally or  
15 in writing notify the relatives or representatives of the decedent  
16 of that retention and offer an opportunity for the relative or  
17 representative to request the return of that organ or limb. If  
18 notification is verbally made under this subsection, the county  
19 medical examiner shall follow up with written notification. The  
20 county medical examiner or a deputy shall keep a written record of  
21 the efforts to notify the relatives or representatives of the  
22 decedent under this subsection for a period of 1 year from the date  
23 of the notification or attempt to notify. This subsection does not  
24 apply to anatomical gifts made under part 101 of the public health  
25 code, 1978 PA 368, MCL 333.10101 to 333.10123. Upon determination  
26 that retention of the portions of the body is no longer necessary  
27 under this subsection, the county medical examiner shall do all of

1 the following, as applicable:

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

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

8 (7) A county medical examiner or any ~~person~~ **INDIVIDUAL WHO IS**  
9 acting under the authority of the county medical examiner who  
10 performs the medical examiner duties for the retention of body  
11 parts, as added by the amendatory act that added this subsection,  
12 shall not be liable in a civil action as a result of an act or  
13 omission by ~~the person arising~~ **HIM OR HER THAT ARISES** out of and in  
14 the course of the ~~person's~~ **HIS OR HER** good faith performance of  
15 those medical examiner duties unless ~~that person's~~ **HIS OR HER** act  
16 or omission was the result of ~~that person's~~ **HIS OR HER** negligence.

17 **SEC. 5B. (1) SUBJECT TO SUBSECTION (2), IF A NEXT OF KIN OF**  
18 **THE DECEASED PERSON INFORMS THE COUNTY MEDICAL EXAMINER OR DEPUTY**  
19 **COUNTY MEDICAL EXAMINER THAT AN AUTOPSY WOULD BE CONTRARY TO A**  
20 **DECEASED PERSON'S RELIGIOUS BELIEFS, A COUNTY MEDICAL EXAMINER OR**  
21 **DEPUTY COUNTY MEDICAL EXAMINER SHALL ONLY PERFORM AN AUTOPSY ON THE**  
22 **BODY OF A DECEASED PERSON THAT MEETS THE REQUIREMENTS OF THIS**  
23 **SECTION.**

24 **(2) SUBJECT TO SUBSECTION (3), A COUNTY MEDICAL EXAMINER OR**  
25 **DEPUTY COUNTY MEDICAL EXAMINER MAY PERFORM AN AUTOPSY UNDER THE**  
26 **CIRCUMSTANCES DESCRIBED IN SUBSECTION (1) IF THE COUNTY MEDICAL**  
27 **EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER MEETS ALL OF THE**

1 FOLLOWING:

2 (A) THE MEDICAL EXAMINER DETERMINES THAT THERE IS A COMPELLING  
3 PUBLIC NECESSITY FOR THE AUTOPSY. A COMPELLING PUBLIC NECESSITY  
4 EXISTS FOR THE PURPOSES OF THIS SUBSECTION IF EITHER OF THE  
5 FOLLOWING CIRCUMSTANCES EXISTS:

6 (i) AN AUTOPSY IS NECESSARY FOR THE CONDUCT OF A CRIMINAL  
7 INVESTIGATION BY A LAW ENFORCEMENT AGENCY.

8 (ii) AN AUTOPSY IS NECESSARY TO DETERMINE THE CAUSE OF THE  
9 DECEASED PERSON'S DEATH IN ORDER TO PROTECT AGAINST AN IMMEDIATE  
10 AND SUBSTANTIAL THREAT TO THE PUBLIC HEALTH.

11 (B) IF THE MEDICAL EXAMINER DETERMINES THAT THERE IS A  
12 COMPELLING PUBLIC NECESSITY FOR THE AUTOPSY UNDER SUBDIVISION (A) ,  
13 THE MEDICAL EXAMINER WITHIN 12 HOURS OF MAKING THE DETERMINATION  
14 PETITIONS A COURT OF COMPETENT JURISDICTION TO AUTHORIZE THE  
15 AUTOPSY. THE MEDICAL EXAMINER SHALL INFORM THE NEXT OF KIN IN  
16 WRITING OF THE PETITION. THE COURT IN WHICH THE PETITION IS FILED  
17 SHALL CONDUCT A HEARING ON THE MATTER WITHIN 24 HOURS OF THE FILING  
18 OF THE PETITION. IF THE COURT FINDS THAT THERE IS A COMPELLING  
19 PUBLIC NECESSITY, THE COURT SHALL AUTHORIZE THE COUNTY MEDICAL  
20 EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER TO PERFORM THE AUTOPSY  
21 UNDER SUBSECTION (3) .

22 (3) A COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY  
23 MEDICAL EXAMINER THAT IS AUTHORIZED TO PERFORM AN AUTOPSY UNDER  
24 SUBSECTION (2) MUST PERFORM A VIRTUAL AUTOPSY. ALL OF THE FOLLOWING  
25 APPLY FOR PURPOSES OF THIS SUBSECTION:

26 (A) THE MEDICAL EXAMINER MUST PERFORM THE VIRTUAL AUTOPSY  
27 BEFORE PERFORMING ANY OTHER PROCEDURE, INCLUDING AN INTERNAL



1 EXAMINATION OF THE BODY.

2 (B) IF THE MEDICAL EXAMINER DOES NOT HAVE THE EQUIPMENT  
3 NECESSARY TO PERFORM THE VIRTUAL AUTOPSY, THE MEDICAL EXAMINER  
4 SHALL MAKE ARRANGEMENTS TO TRANSFER THE BODY FOR A VIRTUAL AUTOPSY  
5 UNDER THIS SUBSECTION TO A COUNTY THAT HAS THE CAPABILITIES TO  
6 PERFORM THE VIRTUAL AUTOPSY.

7 (C) IF THE MEDICAL EXAMINER DETERMINES THAT THE RESULTS OF THE  
8 VIRTUAL AUTOPSY INDICATE THAT AN INTERNAL EXAMINATION OF THE BODY  
9 IS NECESSARY, THE MEDICAL EXAMINER SHALL PERFORM THE EXAMINATION IN  
10 THE LEAST INTRUSIVE MANNER AS POSSIBLE.

11 (D) IF A BODY IS TRANSFERRED TO ANOTHER COUNTY FOR A VIRTUAL  
12 AUTOPSY UNDER SUBDIVISION (B), THE COUNTY TRANSFERRING THE BODY  
13 SHALL REIMBURSE THE COUNTY PERFORMING THE VIRTUAL AUTOPSY FOR ALL  
14 COSTS INCURRED IN THE PERFORMANCE OF THE AUTOPSY, EXCEPT FOR THE  
15 FOLLOWING:

16 (i) THE DECEASED'S NEXT OF KIN ARE RESPONSIBLE FOR THE COST OF  
17 TRANSPORTING THE BODY TO THE COUNTY PERFORMING THE VIRTUAL AUTOPSY.

18 (ii) THE COUNTY TRANSFERRING THE BODY MAY CHARGE THE  
19 DECEASED'S NEXT OF KIN FOR ALL COSTS INCURRED IN THE PERFORMANCE OF  
20 THE VIRTUAL AUTOPSY.

21 (4) AS USED IN THIS SECTION, "VIRTUAL AUTOPSY" MEANS THE USE  
22 OF COMPUTERIZED TOMOGRAPHY, MAGNETIC RESONANCE IMAGING, X-RAYS, 3-  
23 DIMENSIONAL SURFACE SCANNING TECHNOLOGY, OR SIMILAR MODALITIES IN  
24 THE EXAMINATION OF A BODY DURING AN AUTOPSY.

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.