

**MEDICAL EXAMINER AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Merrill F. Nelson**

Senate Sponsor: Daniel W. Thatcher

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**LONG TITLE**

**General Description:**

This bill amends the Utah Medical Examiner Act.

**Highlighted Provisions:**

This bill:

- ▶ requires the chief medical examiner to investigate deaths resulting directly from actions of a law enforcement officer;
- ▶ prohibits providing false information to the chief medical examiner, establishing a criminal penalty; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-4-7**, as last amended by Laws of Utah 2012, Chapter 183

**26-4-10**, as enacted by Laws of Utah 1981, Chapter 126

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-4-7** is amended to read:

**26-4-7. Custody by medical examiner.**

Upon notification under Section **26-4-8** or investigation by the medical examiner's

30 office, the medical examiner shall assume custody of a deceased body if it appears that death  
31 [was]:

- 32 (1) was by violence, gunshot, suicide, or accident;
- 33 (2) was sudden death while in apparent good health;
- 34 (3) occurred unattended [~~deaths~~], except that an autopsy may only be performed in  
35 accordance with the provisions of Subsection [26-4-9\(3\)](#);
- 36 (4) occurred under suspicious or unusual circumstances;
- 37 (5) [~~resulting~~] resulted from poisoning or overdose of drugs;
- 38 (6) [~~resulting from diseases~~] resulted from a disease that may constitute a threat to the  
39 public health;
- 40 (7) [~~resulting~~] resulted from disease, injury, toxic effect, or unusual exertion incurred  
41 within the scope of the decedent's employment;
- 42 (8) was due to sudden infant death syndrome;
- 43 (9) [~~resulting~~] occurred while the decedent was in prison, jail, police custody, the state  
44 hospital, or in a detention or medical facility operated for the treatment of persons with a  
45 mental illness, persons who are emotionally disturbed, or delinquent persons;
- 46 (10) resulted directly from the actions of a law enforcement officer, as defined in  
47 Section [53-13-103](#);
- 48 [~~(10)~~] (11) was associated with diagnostic or therapeutic procedures; or
- 49 [~~(11)~~] (12) was described in this section when request is made to assume custody by a  
50 county or district attorney or law enforcement agency in connection with a potential homicide  
51 investigation or prosecution.

52 Section 2. Section **26-4-10** is amended to read:

53 **26-4-10. Certification of cause of death.**

54 [~~The certification of the cause of death under any of the circumstances listed in Section~~  
55 ~~[26-4-7](#) shall only be made by the medical examiner or his designated representative.~~

56 ~~Certification of the cause of death or signature on the certificate of death by any other person is~~  
57 ~~a class B misdemeanor.]~~

58           (1) (a) For a death under any of the circumstances described in Section 26-4-7, only the  
59 medical examiner or the medical examiner's designee may certify the cause of death.

60           (b) An individual who knowingly certifies the cause of death in violation of Subsection  
61 (1)(a) is guilty of a class B misdemeanor.

62           (2) (a) For a death described in Section 26-4-7, an individual may not knowingly give  
63 false information, with the intent to mislead, to the medical examiner or the medical examiner's  
64 designee.

65           (b) A violation of Subsection (2)(a) is a class B misdemeanor.