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Medical Examiner Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to the medical examiner.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ amends provisions related to death certificates; and
 - 9 ▶ amends provisions related to permits to render a dead body unavailable for postmortem
- 10 investigation.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **26B-8-114**, as last amended by Laws of Utah 2024, Chapter 280

18 **26B-8-230**, as renumbered and amended by Laws of Utah 2023, Chapter 306

19

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

21 Section 1. Section **26B-8-114** is amended to read:

22 **26B-8-114 . Certificate of death -- Execution and registration requirements --**
23 **Information provided to lieutenant governor.**

24 (1)(a) A certificate of death for each death that occurs in this state shall be filed with the
25 local registrar of the district in which the death occurs, or as otherwise directed by the
26 state registrar, within five days after death and prior to the decedent's interment, any
27 other disposal, or removal from the registration district where the death occurred.

28 (b) A certificate of death shall be registered if the certificate of death is completed and
29 filed in accordance with this part.

30 (2)(a) If the place of death is unknown but the dead body is found in this state:

- 31 (i) the certificate of death shall be completed and filed in accordance with this
32 section; and
- 33 (ii) the place where the dead body is found shall be shown as the place of death.
- 34 (b) If the date of death is unknown, the date shall be determined by approximation.
- 35 (3)(a) When death occurs in a moving conveyance in the United States and the decedent
36 is first removed from the conveyance in this state:
- 37 (i) the certificate of death shall be filed with:
- 38 (A) the local registrar of the district where the decedent is removed; or
39 (B) a person designated by the state registrar; and
- 40 (ii) the place where the decedent is removed shall be considered the place of death.
- 41 (b) When a death occurs on a moving conveyance outside the United States and the
42 decedent is first removed from the conveyance in this state:
- 43 (i) the certificate of death shall be filed with:
- 44 (A) the local registrar of the district where the decedent is removed; or
45 (B) a person designated by the state registrar; and
- 46 (ii) the certificate of death shall show the actual place of death to the extent it can be
47 determined.
- 48 (4)(a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a
49 funeral service director is not retained, a dispositioner shall sign the certificate of
50 death.
- 51 (b) The custodial funeral service director, an agent of the custodial funeral service
52 director, or, if a funeral service director is not retained, a dispositioner shall:
- 53 (i) file the certificate of death prior to any disposition of a dead body or fetus; and
54 (ii) obtain the decedent's personal data from the next of kin or the best qualified
55 person or source available, including the decedent's social security number, if
56 known.
- 57 (c) The certificate of death may not include the decedent's social security number.
- 58 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed
59 by the state registrar or a local registrar.
- 60 (5)(a) Except as provided in Section 26B-8-115 or when inquiry is required by Part 2,
61 Utah Medical Examiner, a health care professional who was in charge of the
62 decedent's care for the illness or condition which resulted in death shall complete,
63 sign, and return the medical section of the certificate of death within three business
64 days from the day on which the death occurred to:

- 65 (i) the funeral service director; or
- 66 (ii) if a funeral service director is not retained, a dispositioner.
- 67 (b) In the absence of the health care professional or with the health care professional's
- 68 approval, the certificate of death may be completed and signed by an associate
- 69 physician, the chief medical officer of the institution in which death occurred, or a
- 70 physician who performed an autopsy upon the decedent, if:
- 71 (i) the person has access to the medical history of the case;
- 72 (ii) the person views the decedent at or after death; and
- 73 (iii) the death is not due to causes required to be investigated by the medical
- 74 examiner.
- 75 (c) When completing the immediate cause of death section of a certificate of death, a
- 76 health care professional may indicate that the immediate cause of death is unknown if
- 77 the immediate cause of death is unknown.
- 78 (d) The department shall create instructions for completing a certificate of death that
- 79 inform a health care professional that the health care professional may indicate that
- 80 the immediate cause of death is unknown in accordance with Subsection (5)(c).
- 81 (e)(i) The department shall develop and maintain an online system that allows the
- 82 health care professional that is required to complete the death certificate to
- 83 complete a death certificate online.
- 84 (ii) The online system described in Subsection (5)(e)(i) shall:
- 85 (A) allow a health care professional completing a death certificate to choose a
- 86 diagnoses for the cause of death from a list of commonly used International
- 87 Classification of Diseases codes or a similar system of medical diagnoses
- 88 codes;
- 89 (B) notify the health care professional in real time whether the completed death
- 90 certificate will be considered complete and correct or whether the medical
- 91 examiner may need to review the death certificate;
- 92 (C) if the death certificate is filled out in a manner that requires further review by
- 93 the medical examiner, provide information to the health care provider
- 94 indicating which portions of the death certificate may require further review;
- 95 and
- 96 (D) notify the health care provider in real time what the fee that the family of the
- 97 decedent will need to pay if the family of the decedent is responsible for
- 98 paying the medical examiner review fee.

- 99 (6) When death occurs more than 365 days after the day on which the decedent was last
100 treated by a health care professional, the case shall be referred to the medical examiner
101 for investigation to determine and certify the cause, date, and place of death.
- 102 (7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner shall
103 make an investigation and complete and sign the medical section of the certificate of
104 death within 72 hours after taking charge of the case.
- 105 (8) If the cause of death cannot be determined within 72 hours after death:
- 106 (a) the medical section of the certificate of death shall be completed as provided by
107 department rule;
- 108 (b) the attending health care professional or medical examiner shall give the funeral
109 service director, or, if a funeral service director is not retained, a dispositioner, notice
110 of the reason for the delay; and
- 111 (c) final disposition of the decedent may not be made until authorized by the attending
112 health care professional or medical examiner.
- 113 (9)(a) When a death is presumed to have occurred within this state but the dead body
114 cannot be located, a certificate of death may be prepared by the state registrar upon
115 receipt of an order of a Utah court.
- 116 (b) The order described in Subsection (9)(a) shall include a finding of fact stating the
117 name of the decedent, the date of death, and the place of death.
- 118 (c) A certificate of death prepared under Subsection (9)(a) shall:
- 119 (i) show the date of registration; and
- 120 (ii) identify the court and the date of the order.
- 121 (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:
- 122 (a) signing a certificate of death; or
- 123 (b) performing any other duty of a dispositioner, as described in this section.
- 124 (11) The state registrar shall, within five business days after the day on which the state
125 registrar or local registrar registers a certificate of death for a Utah resident, inform the
126 lieutenant governor of:
- 127 (a) the decedent's name, last known residential address, date of birth, and date of death;
128 and
- 129 (b) any other information requested by the lieutenant governor to assist the county clerk
130 in identifying the decedent for the purpose of removing the decedent from the official
131 register of voters.
- 132 (12) The lieutenant governor shall, within one business day after the day on which the

133 lieutenant governor receives the information described in Subsection (11), provide the
134 information to the county clerks.

135 Section 2. Section **26B-8-230** is amended to read:

136 **26B-8-230 . Application for permit to render a dead body unavailable for**
137 **postmortem examination -- Medical examiner review fee.**

138 (1) Upon receiving an application by a person for a permit to render a dead body
139 unavailable for postmortem investigation, the medical examiner shall ~~[review the~~
140 ~~application to]~~determine whether:

141 (a) the person is authorized by law to render the dead body unavailable for postmortem
142 investigation in the manner specified in the application; ~~[and]~~

143 ~~(b) the death certificate is complete and correct; and~~

144 ~~[(b)] (c) there is a need to delay any action that will render the dead body unavailable for~~
145 ~~postmortem investigation until a postmortem [investigation or an autopsy of the dead~~
146 ~~body is performed by the medical examiner] review by the medical examiner allows~~
147 ~~the medical examiner to confirm that the death certificate is complete and correct.~~

148 ~~(2) The medical examiner shall automatically issue a permit to render a dead body~~
149 ~~unavailable for postmortem investigation if:~~

150 ~~(a) the person requesting the permit is authorized to render the dead body unavailable for~~
151 ~~postmortem examination; and~~

152 ~~(b) the death certificate is complete and correct.~~

153 ~~[(2)] (3) Except as provided in Subsection ~~[(4)] (5)~~, within three days after receiving an~~
154 ~~application described in Subsection (1), the medical examiner shall:~~

155 (a) make the determinations described in Subsection (1); and

156 (b)(i) issue a permit to render the dead body unavailable for postmortem investigation
157 in the manner specified in the application; or

158 (ii) deny the permit.

159 ~~[(3)] (4) The medical examiner may deny a permit to render a dead body unavailable for~~
160 ~~postmortem investigation only if:~~

161 (a) the applicant is not authorized by law to render the dead body unavailable for
162 postmortem investigation in the manner specified in the application;

163 (b) the medical examiner determines that there is a need to delay any action that will
164 render the dead body unavailable for postmortem investigation; or

165 (c) the applicant fails to pay the fee described in Subsection ~~[(5)] (6)~~.

166 ~~[(4)] (5) If the medical examiner cannot in good faith make the determinations described in~~

167 Subsection (1) within three days after receiving an application described in Subsection
168 (1), the medical examiner shall notify the applicant:
169 (a) that more time is needed to make the determinations described in Subsection (1); and
170 (b) of the estimated amount of time needed before the determinations described in
171 Subsection (1) can be made.

172 [~~(5)~~] (6) The medical examiner may charge a fee, [~~pursuant to~~] set in accordance with
173 Section 63J-1-504, to recover the costs of fulfilling the duties of the medical examiner
174 described in this section.

175 Section 3. **Effective Date.**

176 This bill takes effect on May 7, 2025.