

**Effective 5/3/2023**

**Part 2  
Utah Medical Examiner**

**26B-8-201 Definitions.**

As used in this part:

- (1) "Dead body" means the same as that term is defined in Section 26B-8-101.
- (2)
  - (a) "Death by violence" means death that resulted by the decedent's exposure to physical, mechanical, or chemical forces.
  - (b) "Death by violence" includes death that appears to have been due to homicide, death that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or any attempt to commit any of the foregoing offenses.
- (3) "Immediate relative" means an individual's spouse, child, parent, sibling, grandparent, or grandchild.
- (4) "Health care professional" means any of the following while acting in a professional capacity:
  - (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
  - (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or
  - (c) an advance practice registered nurse licensed under Subsection 58-31b-301(2)(e).
- (5) "Medical examiner" means the state medical examiner appointed pursuant to Section 26B-8-202 or a deputy appointed by the medical examiner.
- (6) "Medical examiner record" means:
  - (a) all information that the medical examiner obtains regarding a decedent;
  - (b) reports that the medical examiner makes regarding a decedent; and
  - (c) all administrative forms and correspondence related to a decedent's case.
- (7) "Regional pathologist" means an American Board of Pathology certified pathologist licensed to practice medicine and surgery in the state, appointed by the medical examiner pursuant to Subsection 26B-8-202(3).
- (8) "Sudden death while in apparent good health" means apparently instantaneous death without obvious natural cause, death during or following an unexplained syncope or coma, or death during an acute or unexplained rapidly fatal illness.
- (9) "Sudden unexpected infant death" means the death of a child who was thought to be in good health or whose terminal illness appeared to be so mild that the possibility of a fatal outcome was not anticipated.
- (10) "Suicide" means death caused by an intentional and voluntary act of an individual who understands the physical nature of the act and intends by such act to accomplish self-destruction.
- (11) "Unattended death" means a death that occurs more than 365 days after the day on which a health care professional examined or treated the deceased individual for any purpose, including writing a prescription.
- (12)
  - (a) "Unavailable for postmortem investigation" means that a dead body is:
    - (i) transported out of state;

- (ii) buried at sea;
  - (iii) cremated;
  - (iv) processed by alkaline hydrolysis; or
  - (v) otherwise made unavailable to the medical examiner for postmortem investigation or autopsy.
- (b) "Unavailable for postmortem investigation" does not include embalming or burial of a dead body pursuant to the requirements of law.
- (13) "Within the scope of the decedent's employment" means all acts reasonably necessary or incident to the performance of work, including matters of personal convenience and comfort not in conflict with specific instructions.

Amended by Chapter 240, 2024 General Session

**26B-8-202 Chief medical examiner -- Appointment -- Qualifications -- Authority.**

- (1) The executive director shall appoint a chief medical examiner who shall be licensed to practice medicine in the state and shall meet the qualifications of a forensic pathologist, certified by the American Board of Pathology.
- (2)
- (a) The medical examiner shall serve at the will of the executive director.
  - (b) The medical examiner has authority to:
    - (i) employ medical, technical and clerical personnel as may be required to effectively administer this chapter, subject to the rules of the department and the state merit system;
    - (ii) conduct investigations and pathological examinations;
    - (iii) perform autopsies authorized in this title;
    - (iv) conduct or authorize necessary examinations on dead bodies; and
    - (v) notwithstanding the provisions of Subsection 26B-8-321(3), retain tissues and biological samples:
      - (A) for scientific purposes;
      - (B) where necessary to accurately certify the cause and manner of death; or
      - (C) for tissue from an unclaimed body, subject to Section 26B-8-225, in order to donate the tissue or biological sample to an individual who is affiliated with an established search and rescue dog organization, for the purpose of training a dog to search for human remains.
  - (c) In the case of an unidentified body, the medical examiner shall authorize or conduct investigations, tests and processes in order to determine its identity as well as the cause of death.
- (3) The medical examiner may appoint regional pathologists, each of whom shall be approved by the executive director.

Amended by Chapter 240, 2024 General Session

**26B-8-203 County medical examiners.**

The county executive, with the advice and consent of the county legislative body and approval of the chief medical examiner, may appoint medical examiners for their respective counties.

Amended by Chapter 240, 2024 General Session

**26B-8-204 Investigation of deaths -- Requests for autopsies.**

- (1) The following have authority to investigate a death described in Section 26B-8-205 and any other case which may be within their jurisdiction:
  - (a) the attorney general or an assistant attorney general;
  - (b) the district attorney or county attorney who has criminal jurisdiction over the death or case;
  - (c) a deputy of the district attorney or county attorney described in Subsection (1)(b); or
  - (d) a peace officer within the jurisdiction described in Subsection (1)(b).
- (2) If, in the opinion of the medical examiner, an autopsy should be performed or if an autopsy is requested by the district attorney or county attorney having criminal jurisdiction, or by the attorney general, the autopsy shall be performed by the medical examiner or a regional pathologist.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-205 Jurisdiction of medical examiner.**

Upon notification under Section 26B-8-206 or investigation by the medical examiner's office, the medical examiner shall assume jurisdiction over a deceased body if it appears that death:

- (1) was by violence, gunshot, suicide, or accident;
- (2) was sudden death while in apparent good health;
- (3) occurred unattended, except that an autopsy may only be performed in accordance with the provisions of Subsection 26B-8-207(3);
- (4) occurred under suspicious or unusual circumstances;
- (5) resulted from poisoning or overdose of drugs;
- (6) resulted from a disease that may constitute a threat to the public health;
- (7) resulted from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment;
- (8) was due to sudden unexpected infant death;
- (9) occurred while the decedent was in prison, jail, police custody, the state hospital, or in a detention or medical facility operated for the treatment of persons with a mental illness, persons who are emotionally disturbed, or delinquent persons;
- (10) resulted directly from the actions of a law enforcement officer, as defined in Section 53-13-103;
- (11) was associated with diagnostic or therapeutic procedures; or
- (12) was described in this section when request is made to assume custody by a county or district attorney or law enforcement agency in connection with a potential homicide investigation or prosecution.

Amended by Chapter 240, 2024 General Session

**26B-8-206 Discovery of dead body -- Notice requirements -- Procedure.**

- (1) When death occurs under circumstances listed in Section 26B-8-205, the person or persons finding or having custody of the body shall immediately notify the nearest law enforcement agency. The law enforcement agency having jurisdiction over the case shall then proceed to the place where the body is and conduct an investigation concerning the cause and circumstances of death for the purpose of determining whether there exists any criminal responsibility for the death.
- (2) On a determination by the law enforcement agency that death may have occurred in any of the ways described in Section 26B-8-205, the death shall be reported to the district attorney or

county attorney having criminal jurisdiction and to the medical examiner by the law enforcement agency having jurisdiction over the investigation.

- (3) The report shall be made by the most expeditious means available. Failure to give notification or report to the district attorney or county attorney having criminal jurisdiction and medical examiner is a class B misdemeanor.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-207 Custody of dead body and personal effects -- Examination of scene of death -- Preservation of body -- Autopsies.**

- (1)
- (a) Upon notification of a death under Section 26B-8-206, the medical examiner shall assume jurisdiction over the deceased body, clothing on the body, biological samples taken, and any article on or near the body which may aid the medical examiner in determining the cause of death except those articles which will assist the investigative agency to proceed without delay with the investigation.
  - (b) In all cases the scene of the event may not be disturbed until authorization is given by the senior ranking peace officer from the law enforcement agency having jurisdiction of the case and conducting the investigation.
  - (c) Where death appears to have occurred under circumstances listed in Section 26B-8-205, the person or persons finding or having custody of the body, or jurisdiction over the investigation of the death, shall take reasonable precautions to preserve the body and body fluids so that minimum deterioration takes place.
  - (d) A person may not move a body under the jurisdiction of the medical examiner unless:
    - (i) the medical examiner, or district attorney or county attorney that has criminal jurisdiction, authorizes the person to move the body;
    - (ii) a designee of an individual listed in this Subsection (1)(d) authorizes the person to move the body;
    - (iii) not moving the body would be an affront to public decency or impractical; or
    - (iv) the medical examiner determines the cause of death is likely due to natural causes.
  - (e) The body can under direction of the medical examiner or the medical examiner's designee be moved to a place specified by the medical examiner or the medical examiner's designee.
- (2)
- (a) If the medical examiner has jurisdiction over a body, a person may not clean or embalm the body without first obtaining the medical examiner's permission.
  - (b) An intentional or knowing violation of Subsection (2)(a) is a class B misdemeanor.
- (3)
- (a) When the medical examiner assumes lawful jurisdiction over a body under Subsection 26B-8-205(3) solely because the death was unattended, an autopsy may not be performed unless requested by the district attorney, county attorney having criminal jurisdiction, or law enforcement agency having jurisdiction of the place where the body is found.
  - (b) The county attorney or district attorney and law enforcement agency having jurisdiction shall consult with the medical examiner to determine the need for an autopsy.
  - (c) If the deceased chose not to be seen or treated by a health care professional for a spiritual or religious reason, a district attorney, county attorney, or law enforcement agency, may not request an autopsy or inquest under Subsection (3)(a) solely because of the deceased's choice.

- (d) The medical examiner or medical examiner's designee may not conduct a requested autopsy described in Subsection (3)(a) if the medical examiner or medical examiner's designee determines:
  - (i) the request violates Subsection (3)(c); or
  - (ii) the cause of death can be determined without performing an autopsy.

Amended by Chapter 240, 2024 General Session

**26B-8-208 Rendering a dead body unavailable for postmortem investigation.**

- (1) As used in this section:
  - (a) "Medical examiner" means the same as that term is defined in Section 26B-8-201.
  - (b) "Unavailable for postmortem investigation" means the same as that term is defined in Section 26B-8-201.
- (2) It is unlawful for a person to engage in any conduct that makes a dead body unavailable for postmortem investigation, unless, before engaging in that conduct, the person obtains a permit from the medical examiner to render the dead body unavailable for postmortem investigation, under Section 26B-8-230, if the person intends to make the body unavailable for postmortem investigation.
- (3) A person who violates Subsection (2) is guilty of a third degree felony.
- (4) If a person engages in conduct that constitutes both a violation of this section and a violation of Section 76-9-704, the provisions and penalties of Section 76-9-704 supersede the provisions and penalties of this section.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-209 Certification of cause of death.**

- (1)
  - (a) For a death under any of the circumstances described in Section 26B-8-205, only the medical examiner or the medical examiner's designee may certify the cause of death.
  - (b) An individual who knowingly certifies the cause of death in violation of Subsection (1)(a) is guilty of a class B misdemeanor.
- (2)
  - (a) For a death described in Section 26B-8-205, an individual may not knowingly give false information, with the intent to mislead, to the medical examiner or the medical examiner's designee.
  - (b) A violation of Subsection (2)(a) is a class B misdemeanor.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-210 Medical examiner to report death caused by prescribed controlled substance poisoning or overdose.**

- (1) If a medical examiner determines that the death of a person who is 12 years old or older at the time of death resulted from poisoning or overdose involving a controlled substance prescribed to the decedent, the medical examiner shall, within three business days after the day on which the medical examiner determines the cause of death, send a written report to the Division of Professional Licensing, created in Section 58-1-103, that includes:
  - (a) the decedent's name;

- (b) each drug or other substance found in the decedent's system that may have contributed to the poisoning or overdose, if known; and
  - (c) the name of each person the medical examiner has reason to believe may have prescribed a controlled substance described in Subsection (1)(b) to the decedent.
- (2) This section does not create a new cause of action.

Amended by Chapter 240, 2024 General Session

**26B-8-211 Records and reports of investigations.**

- (1) A complete copy of all written records and reports of investigations and facts resulting from medical care treatment, autopsies conducted by any person on the body of the deceased who died in any manner listed in Section 26B-8-205 and the written reports of any investigative agency making inquiry into the incident shall be promptly made and filed with the medical examiner.
- (2) The judiciary or a state or local government entity that retains a record, other than a document described in Subsection (1), of the decedent shall provide a copy of the record to the medical examiner:
  - (a) in accordance with federal law; and
  - (b) upon receipt of the medical examiner's written request for the record.
- (3) Failure to submit reports or records described in Subsection (1) or (2), other than reports of a county attorney, district attorney, or law enforcement agency, within 10 days after the day on which the person in possession of the report or record receives the medical examiner's written request for the report or record is a class B misdemeanor.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-212 Order to exhume body -- Procedure.**

- (1) In case of any death described in Section 26B-8-205, when a body is buried without an investigation by the medical examiner as to the cause and manner of death, it shall be the duty of the medical examiner, upon being advised of the fact, to notify the district attorney or county attorney having criminal jurisdiction where the body is buried or death occurred. Upon notification, the district attorney or county attorney having criminal jurisdiction may file an action in the district court to obtain an order to exhume the body. A district judge may order the body exhumed upon an ex parte hearing.
- (2)
  - (a) A body may not be exhumed until notice of the order has been served upon the executor or administrator of the deceased's estate, or if no executor or administrator has been appointed, upon the nearest heir of the deceased, determined as if the deceased had died intestate. If the nearest heir of the deceased cannot be located within the jurisdiction, then the next heir in succession within the jurisdiction may be served.
  - (b) The executor, administrator, or heir shall have 24 hours to notify the issuing court of any objection to the order prior to the time the body is exhumed. If no heirs can be located within the jurisdiction within 24 hours, the facts shall be reported to the issuing court which may order that the body be exhumed forthwith.
  - (c) Notification to the executor, administrator, or heir shall specifically state the nature of the action and the fact that any objection shall be filed with the issuing court within 24 hours of the time of service.

- (d) In the event an heir files an objection, the court shall set hearing on the matter at the earliest possible time and issue an order on the matter immediately at the conclusion of the hearing. Upon the receipt of notice of objection, the court shall immediately notify the county attorney who requested the order, so that the interest of the state may be represented at the hearing.
- (e) When there is reason to believe that death occurred in a manner described in Section 26B-8-205, the district attorney or county attorney having criminal jurisdiction may make a motion that the court, upon ex parte hearing, order the body exhumed forthwith and without notice. Upon a showing of exigent circumstances the court may order the body exhumed forthwith and without notice. In any event, upon motion of the district attorney or county attorney having criminal jurisdiction and upon the personal appearance of the medical examiner, the court for good cause may order the body exhumed forthwith and without notice.
- (3) An order to exhume a body shall be directed to the medical examiner, commanding the medical examiner to cause the body to be exhumed, perform the required autopsy, and properly cause the body to be reburied upon completion of the examination.
- (4) The examination shall be completed and the complete autopsy report shall be made to the district attorney or county attorney having criminal jurisdiction for any action the attorney considers appropriate. The district attorney or county attorney shall submit the return of the order to exhume within 10 days in the manner prescribed by the issuing court.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-213 Autopsies -- When authorized.**

- (1) The medical examiner shall perform an autopsy to:
  - (a) aid in the discovery and prosecution of a crime;
  - (b) protect an innocent person accused of a crime; and
  - (c) disclose hazards to public health.
- (2) The medical examiner may perform an autopsy:
  - (a) to aid in the administration of civil justice in life and accident insurance problems in accordance with Title 34A, Chapter 2, Workers' Compensation Act; and
  - (b) in other cases involving questions of civil liability.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-214 Certification of death by attending health care professional -- Deaths without medical attendance -- Cause of death uncertain -- Notice requirements.**

- (1)
  - (a) A health care professional who treats or examines an individual within 365 days from the day on which the individual dies, shall certify the individual's cause of death to the best of the health care professional's knowledge and belief unless the health care professional determines the individual may have died in a manner described in Section 26B-8-205.
  - (b) If a health care professional is unable to determine an individual's cause of death in accordance with Subsection (1)(a), the health care professional shall notify the medical examiner.
- (2) For an unattended death, the person with custody of the body shall notify the medical examiner of the death.
- (3) If the medical examiner determines there may be criminal responsibility for a death, the medical examiner shall notify:
  - (a) the district attorney or county attorney that has criminal jurisdiction; or

- (b) the head of the law enforcement agency that has jurisdiction to investigate the death.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-215 Deaths in medical centers and federal facilities.**

All death certificates of any decedent who died in a teaching medical center or a federal medical facility unattended or in the care of an unlicensed physician or other medical personnel shall be signed by the licensed supervisory physician, attending physician or licensed resident physician of the medical center or facility.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-216 Release of body for funeral preparations.**

- (1)
  - (a) Where a body is held for investigation or autopsy under this chapter or for a medical investigation permitted by law, the body shall, if requested by the person given priority under Section 58-9-602, be released for funeral preparations no later than 24 hours after the arrival at the office of the medical examiner or regional medical facility.
  - (b) An extension may be ordered only by a district court.
- (2) The right and duty to control the disposition of a deceased person is governed by Sections 58-9-601 through 58-9-606.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-217 Records of medical examiner -- Confidentiality.**

- (1) The medical examiner shall maintain complete, original records for the medical examiner record, which shall:
  - (a) be properly indexed, giving the name, if known, or otherwise identifying every individual whose death is investigated;
  - (b) indicate the place where the body was found;
  - (c) indicate the date of death;
  - (d) indicate the cause and manner of death;
  - (e) indicate the occupation of the decedent, if available;
  - (f) include all other relevant information concerning the death; and
  - (g) include a full report and detailed findings of the autopsy or report of the investigation.
- (2)
  - (a) Upon written request from an individual described in Subsections (2)(a)(i) through (iv), the medical examiner shall provide a copy of the autopsy report, toxicology report, lab reports, investigative reports, documents generated by the medical examiner related to any report, and any other specifically requested portions of the medical examiner record, if any, to any of the following:
    - (i) a decedent's immediate relative;
    - (ii) a decedent's legal representative;
    - (iii) a physician or physician assistant who attended the decedent during the year before the decedent's death; or
    - (iv) a county attorney, a district attorney, a criminal defense attorney, or other law enforcement official with jurisdiction, as necessary for the performance of the attorney or official's professional duties.



- (b) Subject to Subsection (2)(c), upon written request from the director or a designee of the director of an entity described in Subsections (2)(b)(i) through (iv), the medical examiner may provide a copy of any medical examiner report or other portions of the medical examiner's record described in Subsection (2)(a), to any of the following entities as necessary for performance of the entity's official purposes:
  - (i) a local health department;
  - (ii) a local mental health authority;
  - (iii) a public health authority; or
  - (iv) another state or federal governmental agency.
- (c) The medical examiner may provide a copy of a report or portion of the medical examiner's record described in Subsection (2)(a), if the report or portion of the medical examiner's record relates to an issue of public health or safety, as further defined by rule made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) Reports provided under Subsection (2) may not include records that the medical examiner obtains from a third party in the course of investigating the decedent's death.
- (4) The medical examiner may provide a medical examiner record to a researcher who:
  - (a) has an advanced degree;
  - (b)
    - (i) is affiliated with an accredited college or university, a hospital, or another system of care, including an emergency medical response or a local health agency; or
    - (ii) is part of a research firm contracted with an accredited college or university, a hospital, or another system of care;
  - (c) requests a medical examiner record for a research project or a quality improvement initiative that will have a public health benefit, as determined by the department; and
  - (d) provides to the medical examiner an approval from:
    - (i) the researcher's sponsoring organization; and
    - (ii) the Utah Department of Health and Human Services Institutional Review Board.
- (5) Records provided under Subsection (4) may not include a third party record, unless:
  - (a) a court has ordered disclosure of the third party record; and
  - (b) disclosure is conducted in compliance with state and federal law.
- (6) A person who obtains a medical examiner record under Subsection (4) shall:
  - (a) maintain the confidentiality of the medical examiner record by removing personally identifying information about a decedent or the decedent's family and any other information that may be used to identify a decedent before using the medical examiner record in research;
  - (b) conduct any research within and under the supervision of the Office of the Medical Examiner, if the medical examiner record contains a third party record with personally identifiable information;
  - (c) limit the use of a medical examiner record to the purpose for which the person requested the medical examiner record;
  - (d) destroy a medical examiner record and the data abstracted from the medical examiner record at the conclusion of the research for which the person requested the medical examiner record;
  - (e) reimburse the medical examiner, as provided in Section 26B-1-209, for any costs incurred by the medical examiner in providing a medical examiner record;
  - (f) allow the medical examiner to review, before public release, a publication in which data from a medical examiner record is referenced or analyzed; and

- (g) provide the medical examiner access to the researcher's database containing data from a medical examiner record, until the day on which the researcher permanently destroys the medical examiner record and all data obtained from the medical examiner record.
- (7) The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consideration of applicable state and federal law, to establish permissible uses and disclosures of a medical examiner record or other record obtained under this section.
- (8) Except as provided in this chapter or ordered by a court, the medical examiner may not disclose any part of a medical examiner record.
- (9) A person who obtains a medical examiner record under Subsection (4) is guilty of a class B misdemeanor, if the person fails to comply with the requirements of Subsections (6)(a) through (d).

Amended by Chapter 240, 2024 General Session

**26B-8-218 Records of medical examiner -- Admissibility as evidence -- Subpoena of person who prepared record.**

The records of the medical examiner or transcripts thereof certified by the medical examiner are admissible as evidence in any civil action in any court in this state except that statements by witnesses or other persons, unless taken pursuant to Section 26B-8-221, as conclusions upon extraneous matters are not hereby made admissible. The person who prepared a report or record offered in evidence hereunder may be subpoenaed as a witness in the case by any party.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-219 Personal property of deceased -- Disposition.**

- (1) Personal property of the deceased not held as evidence shall be turned over to the legal representative of the deceased within 30 days after completion of the investigation of the death of the deceased. If no legal representative is known, the county attorney, district attorney, or the medical examiner shall, within 30 days after the investigation, turn the personal property over to the county treasurer to be handled pursuant to the escheat laws.
- (2) An affidavit shall be filed with the county treasurer by the county attorney, district attorney, or the medical examiner within 30 days after investigation of the death of the deceased showing the money or other property belonging to the estate of the deceased person which has come into his possession and the disposition made of the property.
- (3) Property required to be turned over to the legal representative of the deceased may be held longer than 30 days if, in the opinion of the county attorney, district attorney, or attorney general, the property is necessary evidence in a court proceeding. Upon conclusion of the court proceedings, the personal property shall be turned over as described in this section and in accordance with the rules of the court.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-220 Officials not liable for authorized acts.**

Except as provided in this part, a criminal or civil action may not arise against the county attorney, district attorney, or his deputies, the medical examiner or his deputies, or regional pathologists for authorizing or performing autopsies authorized by this part or for any other act authorized by this part.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-221 Authority of county attorney or district attorney to subpoena witnesses and compel testimony -- Determination if decedent died by unlawful means.**

- (1) The district attorney or county attorney having criminal jurisdiction may subpoena witnesses and compel testimony concerning the death of any person and have such testimony reduced to writing under his direction and may employ a court reporter for that purpose at the same compensation as is allowed to reporters in the district courts. When the testimony has been taken down by the court reporter, a transcript thereof, duly certified, shall constitute the deposition of the witness.
- (2) Upon review of all facts and testimony taken concerning the death of a person, the district attorney or county attorney having criminal jurisdiction shall determine if the decedent died by unlawful means and shall also determine if criminal prosecution shall be instituted.

Amended by Chapter 240, 2024 General Session

**26B-8-222 Additional powers and duties of department.**

The department may:

- (1) establish rules to carry out the provisions of this part;
- (2) arrange for the state health laboratory to perform toxicologic analysis for public or private institutions and fix fees for the services;
- (3) cooperate and train law enforcement personnel in the techniques of criminal investigation as related to medical and pathological matters; and
- (4) pay to private parties, institutions or funeral directors the reasonable value of services performed for the medical examiner's office.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-223 Authority of examiner to provide organ or other tissue for transplant purposes.**

- (1) When requested by the licensed physician of a patient who is in need of an organ or other tissue for transplant purpose, by a legally created Utah eye bank, organ bank or medical facility, the medical examiner may provide an organ or other tissue if:
  - (a) a decedent who may provide a suitable organ or other tissue for the transplant is in the custody of the medical examiner;
  - (b) the medical examiner is assured that the requesting party has made reasonable search for and inquiry of next of kin of the decedent and that no objection by the next of kin is known by the requesting party; and
  - (c) the removal of the organ or other tissue will not interfere with the investigation or autopsy or alter the post-mortem facial appearance.
- (2) When the medical examiner has jurisdiction over a decedent who may provide a suitable organ or other tissue for transplant purposes, he may contact the appropriate eye bank, organ bank or medical facility and notify them concerning the suitability of the organ or other tissue. In such contact the medical examiner may disclose the name of the decedent so that necessary clearances can be obtained.
- (3) No person shall be held civilly or criminally liable for any acts performed pursuant to this section.

Amended by Chapter 240, 2024 General Session

**26B-8-224 Autopsies -- Persons eligible to authorize.**

- (1) Autopsies may be authorized:
  - (a) by the commissioner of the Labor Commission or the commissioner's designee as provided in Section 34A-2-603;
  - (b) by individuals by will or other written document;
  - (c) upon a decedent by the next of kin in the following order and as known: surviving spouse, child, if 18 years old or older, otherwise the legal guardian of the child, parent, sibling, uncle or aunt, nephew or niece, cousin, others charged by law with the duty of burial, or friend assuming the obligation of burial;
  - (d) by the county attorney, district attorney, or the district attorney's deputy, or a district judge; and
  - (e) by the medical examiner as provided in this part.
- (2) Autopsies authorized under Subsections (1)(a) and (1)(d) shall be performed by a certified pathologist.
- (3) No criminal or civil action arises against a pathologist or a physician who proceeds in good faith and performs an autopsy authorized by this section.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-225 Burial of an unclaimed body -- Request by the school of medicine at the University of Utah -- Medical examiner may retain tissue for dog training.**

- (1) Except as described in Subsection (2) or (3), a county shall provide, at the county's expense, decent disposition of an unclaimed body found in the county.
- (2) A county is not responsible for decent disposition of an unclaimed body found in the county if the body is requested by the dean of the school of medicine at the University of Utah under Section 53B-17-301.
- (3) For an unclaimed body that is temporarily in the medical examiner's custody before disposition under Subsection (1), the medical examiner may retain tissue from the unclaimed body in order to donate the tissue to an individual who is affiliated with an established search and rescue dog organization, for the purpose of training a dog to search for human remains.

Amended by Chapter 240, 2024 General Session

**26B-8-226 Social security number in certification of death.**

A certification of death shall include, if known, the social security number of the deceased person, and a copy of the certification shall be sent to the Office of Recovery Services within the department upon request.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-227 Registry of unidentified deceased persons.**

- (1) If the identity of a deceased person over which the medical examiner has jurisdiction under Section 26B-8-205 is unknown, the medical examiner shall do the following:
  - (a) assign a unique identifying number to the body;
  - (b) create and maintain a file under the assigned number;

- (c) examine the body, take samples, and perform other related tasks for the purpose of deriving information that may be useful in ascertaining the identity of the deceased person;
  - (d) use the identifying number in all records created by the medical examiner that pertains to the body;
  - (e) record all information pertaining to the body in the file created and maintained under Subsection (1)(b);
  - (f) communicate the unique identifying number to the county in which the body was found; and
  - (g) access information from available government sources and databases in an attempt to ascertain the identity of the deceased person.
- (2) The medical examiner shall cooperate and share information generated and maintained under this section with a person who demonstrates:
- (a) a legitimate personal or governmental interest in determining the identity of a deceased person; and
  - (b) a reasonable belief that the body of that deceased person may have come into the custody of the medical examiner.

Amended by Chapter 240, 2024 General Session

**26B-8-228 Testing for suspected suicides -- Maintaining information -- Compensation to deputy medical examiners.**

- (1) In all cases where it is suspected that a death resulted from suicide, including assisted suicide, the medical examiner shall endeavor to have the following tests conducted upon samples taken from the body of the deceased:
- (a) a test that detects all of the substances included in the volatiles panel of the Bureau of Forensic Toxicology within the department;
  - (b) a test that detects all of the substances included in the drugs of abuse panel of the Bureau of Forensic Toxicology within the department; and
  - (c) a test that detects all of the substances included in the prescription drug panel of the Bureau of Forensic Toxicology within the department.
- (2) The medical examiner shall maintain information regarding the types of substances found present in the samples taken from the body of a person who is suspected to have died as a result of suicide or assisted suicide.
- (3) Within funds appropriated by the Legislature for this purpose, the medical examiner shall provide compensation, at a standard rate determined by the medical examiner, to a deputy medical examiner who collects samples for the purposes described in Subsection (1).

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-229 Psychological autopsy examiner.**

- (1) With funds appropriated by the Legislature for this purpose, the department shall provide compensation, at a standard rate determined by the department, to a psychological autopsy examiner.
- (2) The psychological autopsy examiner shall:
- (a) work with the medical examiner to compile data regarding suicide related deaths;
  - (b) as relatives, associates, and acquaintances of the deceased are willing, gather information regarding the circumstances that preceded the decedent's death;
  - (c) maintain a database of information described in Subsections (2)(a) and (b);

- (d) in accordance with all applicable privacy laws subject to approval by the department, share the database described in Subsection (2)(c) with the University of Utah Department of Psychiatry or other university-based departments conducting research on suicide;
- (e) coordinate no less than monthly with the suicide prevention coordinator described in Subsection 26B-5-611(2); and
- (f) coordinate no less than quarterly with the state suicide prevention coalition.

Amended by Chapter 240, 2024 General Session

**26B-8-230 Application for permit to render a dead body unavailable for postmortem examination -- Fees.**

- (1) Upon receiving an application by a person for a permit to render a dead body unavailable for postmortem investigation, the medical examiner shall review the application to determine whether:
  - (a) the person is authorized by law to render the dead body unavailable for postmortem investigation in the manner specified in the application; and
  - (b) there is a need to delay any action that will render the dead body unavailable for postmortem investigation until a postmortem investigation or an autopsy of the dead body is performed by the medical examiner.
- (2) Except as provided in Subsection (4), within three days after receiving an application described in Subsection (1), the medical examiner shall:
  - (a) make the determinations described in Subsection (1); and
  - (b)
    - (i) issue a permit to render the dead body unavailable for postmortem investigation in the manner specified in the application; or
    - (ii) deny the permit.
- (3) The medical examiner may deny a permit to render a dead body unavailable for postmortem investigation only if:
  - (a) the applicant is not authorized by law to render the dead body unavailable for postmortem investigation in the manner specified in the application;
  - (b) the medical examiner determines that there is a need to delay any action that will render the dead body unavailable for postmortem investigation; or
  - (c) the applicant fails to pay the fee described in Subsection (5).
- (4) If the medical examiner cannot in good faith make the determinations described in Subsection (1) within three days after receiving an application described in Subsection (1), the medical examiner shall notify the applicant:
  - (a) that more time is needed to make the determinations described in Subsection (1); and
  - (b) of the estimated amount of time needed before the determinations described in Subsection (1) can be made.
- (5) The medical examiner may charge a fee, pursuant to Section 63J-1-504, to recover the costs of fulfilling the duties of the medical examiner described in this section.

Renumbered and Amended by Chapter 306, 2023 General Session

**26B-8-231 Overdose fatality examiner.**

- (1) Within funds appropriated by the Legislature, the department shall provide compensation, at a standard rate determined by the department, to an overdose fatality examiner.
- (2) The overdose fatality examiner shall:

- (a) work with the medical examiner to compile data regarding overdose and opioid related deaths, including:
  - (i) toxicology information;
  - (ii) demographics; and
  - (iii) the source of opioids or drugs;
- (b) as relatives of the deceased are willing, gather information from relatives of the deceased regarding the circumstances of the decedent's death;
- (c) maintain a database of information described in Subsections (2)(a) and (b); and
- (d) coordinate no less than monthly with the suicide prevention coordinator described in Section 26B-5-611.

Amended by Chapter 506, 2024 General Session

**26B-8-232 Injury reporting requirements by health care provider -- Contents of report -- Penalties.**

- (1) As used in this section:
  - (a) "Health care provider" means any person, firm, corporation, or association which furnishes treatment or care to persons who have suffered bodily injury, and includes hospitals, clinics, podiatrists, dentists and dental hygienists, nurses, nurse practitioners, physicians and physicians' assistants, osteopathic physicians, naturopathic practitioners, chiropractors, acupuncturists, paramedics, and emergency medical technicians.
  - (b) "Injury" does not include any psychological or physical condition brought about solely through the voluntary administration of prescribed controlled substances.
  - (c) "Law enforcement agency" means the municipal or county law enforcement agency:
    - (i) having jurisdiction over the location where the injury occurred; or
    - (ii) if the reporting health care provider is unable to identify or contact the law enforcement agency with jurisdiction over the injury, "law enforcement agency" means the agency nearest to the location of the reporting health care provider.
  - (d) "Report to a law enforcement agency" means to report, by telephone or other spoken communication, the facts known regarding an injury subject to reporting under Section 26B-8-232 to the dispatch desk or other staff person designated by the law enforcement agency to receive reports from the public.
- (2)
  - (a) Any health care provider who treats or cares for any person who suffers from any wound or other injury inflicted by the person's own act or by the act of another by means of a knife, gun, pistol, explosive, infernal device, or deadly weapon, or by violation of any criminal statute of this state, shall immediately report to a law enforcement agency the facts regarding the injury.
  - (b) The report shall state the name and address of the injured person, if known, the person's whereabouts, the character and extent of the person's injuries, and the name, address, and telephone number of the person making the report.
- (3) A health care provider may not be discharged, suspended, disciplined, or harassed for making a report pursuant to this section.
- (4) A person may not incur any civil or criminal liability as a result of making any report required by this section.
- (5) A health care provider who has personal knowledge that the report of a wound or injury has been made in compliance with this section is under no further obligation to make a report regarding that wound or injury under this section.

(6) Any health care provider who intentionally or knowingly violates any provision of this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 306, 2023 General Session