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1	MEDICAL EXAMINER AUTHORITY
2	1998 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Robert F. Montgomery
5	AN ACT RELATING TO HEALTH; EXPANDING THE JURISDICTION OF THE STATE
6	MEDICAL EXAMINER TO INCLUDE HIGHWAY ACCIDENTS; AMENDING THE
7	AUTHORITY OF THE MEDICAL EXAMINER TO PERFORM AUTOPSIES IN SPECIFIED
8	CIRCUMSTANCES; AND MAKING TECHNICAL CORRECTIONS.
9	This act affects sections of Utah Code Annotated 1953 as follows:
10	AMENDS:
11	26-4-7, as last amended by Chapter 6, Laws of Utah 1984, Second Special Session
12	26-4-13, as enacted by Chapter 126, Laws of Utah 1981
13	Be it enacted by the Legislature of the state of Utah:
14	Section 1. Section <b>26-4-7</b> is amended to read:
15	26-4-7. Deaths over which medical examiner has jurisdiction.
16	Upon notification under Section 26-4-8 or investigation by the medical examiner's office,
17	the medical examiner shall assume custody of [the] a deceased body [in all deaths that appear to
18	be] if it appears that death was:
19	(1) [deaths] by violence, gunshot, suicide, or accident[, except highway accidents];
20	(2) sudden [death], while in apparent health;
21	(3) unattended [deaths], except that an autopsy may only be performed in accordance with
22	[the provisions of] Subsection 26-4-9(3);
23	(4) [deaths] under suspicious or unusual circumstances;
24	(5) [deaths resulting from] the result of poisoning or overdose of drugs;
25	(6) [deaths resulting from diseases] the result of a disease that may constitute a threat to
26	[the] public health;
27	(7) [deaths resulting from] the result of disease, injury, toxic effect, or unusual exertion

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1	incurred within the scope of the [deceased's] decedent's employment;
2	(8) [deaths] due to sudden infant death syndrome;
3	(9) [deaths resulting] to a person while [the deceased was] in prison, jail, [in] police
4	custody, [in] the state hospital, or [in] a detention or medical facility operated for the treatment of
5	the mentally ill or emotionally disturbed or delinquent persons; [and] or
6	(10) [deaths] associated with diagnostic and therapeutic procedures.
7	Section 2. Section 26-4-13 is amended to read:
8	26-4-13. Autopsies When authorized.
9	[Autopsies] (1) The medical examiner shall [be performed] perform autopsies to:
10	(a) aid in the discovery and prosecution of [crimes, to] a crime;
11	(b) protect an innocent [persons] person accused of a crime[, to]; and
12	(c) disclose hazards to public health [by communicable diseases, occupational diseases,
13	or by dangerous drugs, chemicals, or foods. Autopsies may also be performed].
14	(2) The medical examiner may perform autopsies:
15	(a) to aid in the administration of civil justice in life and accident insurance problems in
16	accordance with [the provisions of the Workmen's] Title 34A, Chapter 2, Workers' Compensation
17	Act; and
18	(b) in other cases involving questions of civil liability.
19	(3) The medical examiner may perform autopsies in cases of highway accidents if:
20	(a) the designated representative of the medical examiner and the local law enforcement
21	agency agree:
22	(i) the cause of death is unclear because external evidence of injury is not sufficient to
23	explain the death; or
24	(ii) the circumstances regarding the accident or the death are unclear; or
25	(b) the medical examiner determines:
26	(i) the body is not identifiable without examination;
27	(ii) the accident occurred during pursuit by a peace officer; or
28	(iii) the accident occurred within the scope of the decedent's employment.

## Legislative Review Note as of 11-20-97 8:02 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

## Office of Legislative Research and General Counsel

## **Committee Note**

The Health and Human Services Interim Committee recommended this bill.

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