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**MEDICAL EXAMINER AUTHORITY**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gary F. Cox**

**This act modifies the Medical Examiner Act. This act requires the medical examiner to assume custody of a body involved in a highway accident in certain circumstances. The act sets forth the conditions under which an autopsy of the body may be performed. This act makes technical and conforming amendments. This act takes effect on July 1, 2001.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**26-4-7**, as last amended by Chapter 289, Laws of Utah 1999

**26-4-13**, as enacted by Chapter 126, Laws of Utah 1981

*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 office, the medical examiner shall assume custody of ~~the~~ a deceased body ~~[in all deaths that appear to be]~~ if it appears that death was:

(1) ~~[deaths]~~ by violence, gunshot, suicide, or accident~~[-except]~~ unless the accident is a highway ~~[accidents]~~ accident. If the death was from a highway accident, custody shall only be assumed if an autopsy is required under the provisions of Section 26-4-13;

(2) sudden death while in apparent good health;

(3) unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Subsection 26-4-9(3);

(4) ~~[deaths]~~ under suspicious or unusual circumstances;

(5) ~~[deaths]~~ resulting from poisoning or overdose of drugs;

(6) ~~[deaths]~~ resulting from diseases that may constitute a threat to the public health;

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28 (7) ~~[deaths]~~ resulting from disease, injury, toxic effect, or unusual exertion incurred within  
29 the scope of the ~~[deceased's]~~ decedent's employment;

30 (8) ~~[deaths]~~ due to sudden infant death syndrome;

31 (9) ~~[deaths]~~ resulting while the ~~[deceased]~~ decedent was in prison, jail, ~~[in]~~ police custody,  
32 ~~[in]~~ the state hospital, or in a detention or medical facility operated for the treatment of the  
33 mentally ill ~~[or]~~, emotionally disturbed, or delinquent persons;

34 (10) ~~[deaths]~~ associated with diagnostic ~~[and]~~ or therapeutic procedures; ~~[and]~~ or

35 (11) ~~[deaths]~~ described in this section when request is made to assume custody by a county  
36 or district attorney or law enforcement agency in connection with a potential homicide  
37 investigation or prosecution.

38 Section 2. Section **26-4-13** is amended to read:

39 **26-4-13. Autopsies -- When authorized.**

40 ~~(1) [Autopsies shall be performed]~~ The medical examiner shall perform an autopsy to:

41 (a) aid in the discovery and prosecution of ~~[crimes, to]~~ a crime;

42 (b) protect an innocent ~~[persons]~~ person accused of a crime~~[-, to]~~; and

43 (c) disclose hazards to public health ~~[by communicable diseases, occupational diseases,~~  
44 ~~or by dangerous drugs, chemicals, or foods]~~. ~~[Autopsies may also be performed]~~

45 (2) The medical examiner may perform an autopsy:

46 (a) to aid in the administration of civil justice in life and accident insurance problems in  
47 accordance with ~~[the provisions of the Workmen's]~~ Title 34A, Chapter 2, Workers' Compensation  
48 Act ~~[and]~~;

49 (b) in other cases involving questions of civil liability~~[-];~~ and

50 (c) in the case of a highway accident if:

51 (i) the accident occurred during pursuit by a peace officer;

52 (ii) the accident occurred within the scope of the decedent's employment;

53 (iii) the medical examiner or the medical examiner's designated representative determines  
54 the body cannot be identified without examination; or

55 (iv) the law enforcement agency with jurisdiction over the accident and the medical  
56 examiner or the medical examiner's designated representative agree:

57 (A) the cause of death is unclear because external evidence of injury is not sufficient to  
58 explain the death; or

59           (B) the circumstances regarding the accident or the death are unclear.  
60           Section 3. **Effective date.**  
61           This act takes effect on July 1, 2001.

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**Legislative Review Note**  
**as of 12-15-00 10:26 AM**

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

**Office of Legislative Research and General Counsel**