

RESCUE DOG TRAINING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dixon M. Pitcher

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions related to the custody of a dead body.

Highlighted Provisions:

This bill:

▶ allows the medical examiner to retain an unclaimed body in order to donate the body to a person for the purpose of training a dog to search for human remains.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-4-4, as last amended by Laws of Utah 2007, Chapter 60

26-4-27, as enacted by Laws of Utah 1998, Chapter 153

35A-3-401, as last amended by Laws of Utah 2004, Chapter 29

53B-17-301, as enacted by Laws of Utah 1987, Chapter 167

REPEALS AND REENACTS:

26-4-25, as last amended by Laws of Utah 1998, Chapter 153

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



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

29 **26-4-4. Chief medical examiner -- Appointment -- Qualifications -- Authority.**

30 (1) The executive director, with the advice of an advisory board consisting of the
31 chairman of the Department of Pathology at the University of Utah medical school and the
32 dean of the law school at the University of Utah, shall appoint a chief medical examiner who
33 shall be licensed to practice medicine in the state and shall meet the qualifications of a forensic
34 pathologist, certified by the American Board of Pathologists.

35 (2) (a) The medical examiner shall serve at the will of the executive director.

36 (b) The medical examiner has authority to:

37 (i) employ medical, technical and clerical personnel as may be required to effectively
38 administer this chapter, subject to the rules of the department and the state merit system;

39 (ii) conduct investigations and pathological examinations;

40 (iii) perform autopsies authorized in this title;

41 (iv) conduct or authorize necessary examinations on dead bodies; and

42 (v) notwithstanding the provisions of Subsection **26-28-122(3)**, retain tissues and
43 biological samples;

44 (A) for scientific purposes [~~and those the medical examiner considers~~];

45 (B) where necessary to accurately certify the cause and manner of death[-]; or

46 (C) in order to donate the tissue or biological sample to a person for the purpose of
47 training a dog to search for human remains.

48 (c) In the case of an unidentified body, the medical examiner shall authorize or conduct
49 investigations, tests and processes in order to determine its identity as well as the cause of
50 death.

51 (3) The medical examiner may appoint regional pathologists, each of whom shall be
52 approved by the executive director.

53 Section 2. Section **26-4-25** is repealed and reenacted to read:

54 **26-4-25. Burial of unclaimed body -- Request by college of medicine -- Retention**
55 **by medical examiner.**

56 (1) Subject to the procedures described in Section **26-4-27**, a county shall provide, at
57 the county's expense, decent burial for an unclaimed body found in the county.

58 (2) Subsection (1) does not apply if, for an unclaimed body found in a county:

59 (a) the School of Medicine at the University of Utah requests the body under Section
60 53B-17-301; or

61 (b) the medical examiner retains the body under Subsection 26-4-27(7) in order to
62 donate the body to a person for the purpose of training a dog to search for human remains.

63 Section 3. Section 26-4-27 is amended to read:

64 **26-4-27. Registry of unidentified deceased persons.**

65 (1) If the identity of a deceased person over which the medical examiner has
66 jurisdiction under Section 26-4-7 is unknown, the medical examiner shall do the following
67 before releasing the body to the county in which the body was found as provided in Section
68 26-4-25:

69 (a) assign a unique identifying number to the body;

70 (b) create and maintain a file under the assigned number;

71 (c) examine the body, take samples, and perform other related tasks for the purpose of
72 deriving information that may be useful in ascertaining the identity of the deceased person;

73 (d) use the identifying number in all records created by the medical examiner that
74 pertains to the body;

75 (e) record all information pertaining to the body in the file created and maintained
76 under Subsection (1)(b);

77 (f) communicate the unique identifying number to the county in which the body was
78 found; and

79 (g) access information from available government sources and databases in an attempt
80 to ascertain the identity of the deceased person.

81 (2) A county which has received a body to which Subsection (1) applies:

82 (a) shall adopt and use the same identifying number assigned by Subsection (1) in all
83 records created by the county that pertain to the body;

84 (b) require any funeral director or sexton who is involved in the disposition of the body
85 to adopt and use the same identifying number assigned by Subsection (1) in all records created
86 by the funeral director or sexton pertaining to the body; and

87 (c) shall provide a decent burial for the body.

88 (3) Within 30 days of receiving a body to which Subsection (1) applies, the county
89 shall inform the medical examiner of the disposition of the body including the burial plot. The

90 medical examiner shall record this information in the file created and maintained under
91 Subsection (1)(b).

92 (4) The requirements of Subsections (1) and (6) apply to a county examiner appointed
93 under Section 26-4-5, with the additional requirements that the county examiner:

94 (a) obtain a unique identifying number from the medical examiner for the body; and

95 (b) send to the medical examiner a copy of the file created and maintained in
96 accordance with Subsection (1)(b), including the disposition of the body and burial plot, within
97 30 days of releasing the body.

98 (5) The medical examiner shall maintain a file received under Subsection (4) in the
99 same way that it maintains a file created and maintained by the medical examiner in accordance
100 with Subsection (1)(b).

101 (6) The medical examiner shall cooperate and share information generated and
102 maintained under this section with a person who demonstrates:

103 (a) a legitimate personal or governmental interest in determining the identity of a
104 deceased person; and

105 (b) a reasonable belief that the body of that deceased person may have come into the
106 custody of the medical examiner.

107 (7) The medical examiner may retain a body to which Subsection (1) applies in order to
108 donate the body to a person for training a dog to search for human remains.

109 (8) If the medical examiner retains a body under Subsection (7), the medical examiner
110 shall provide for decent burial of the body, at the medical examiner's expense, after the dog
111 training is accomplished.

112 Section 4. Section 35A-3-401 is amended to read:

113 **35A-3-401. General Assistance.**

114 (1) (a) General Assistance may be provided to individuals who are not receiving cash
115 assistance under Part 3, Family Employment Program, or Supplemental Security Income, and
116 who are unemployable according to standards established by the department.

117 (b) (i) General Assistance may be provided by payment in cash or in kind.

118 (ii) The office may provide an amount less than the existing payment level for an
119 otherwise similarly situated client of cash assistance under Part 3, Family Employment
120 Program.

121 (c) The office shall establish asset limitations for General Assistance clients.

122 (d) (i) General Assistance may be granted to meet special nonrecurrent needs of an
 123 applicant for the federal Supplemental Security Income program, if the applicant agrees to
 124 reimburse the division for assistance advanced while awaiting the determination of eligibility
 125 by the Social Security Administration.

126 (ii) General Assistance payments may not be made to a current client of cash assistance
 127 or Supplemental Security Income.

128 (e) (i) General Assistance may be used for the reasonable cost of burial for a client, if
 129 heirs or relatives are not financially able to assume this expense.

130 (ii) Notwithstanding Subsection (1)(e)(i), if the body of a person is unclaimed, Section
 131 ~~[53B-17-301]~~ 26-4-25 applies.

132 (iii) The department shall fix the cost of a reasonable burial and conditions under
 133 which burial expenditures may be made.

134 (2) The division may cooperate with any governmental unit or agency, or any private
 135 nonprofit agency in establishing work projects to provide employment for employable persons.

136 Section 5. Section **53B-17-301** is amended to read:

137 **53B-17-301. Unclaimed dead bodies -- Notice to School of Medicine --**
 138 **Preservation of dead bodies.**

139 ~~[(1) Any person who has charge over an unclaimed dead body that is to be buried at~~
 140 ~~public expense shall notify the dean of the School of Medicine at the University of Utah within~~
 141 ~~24 hours after taking charge of the body.]~~

142 (1) The medical examiner shall, within 24 hours after assuming jurisdiction of an
 143 unidentified body under Section 26-4-27, provide notice of the jurisdiction to the dean of the
 144 School of Medicine at the University of Utah.

145 (2) The notice described in Subsection (1) shall specify the body's probable cause of
 146 death.

147 (3) ~~[At the dean's request, the person shall]~~ Except where the medical examiner decides
 148 to retain a body under Subsection 26-4-27(7), the medical examiner shall, at the request of the
 149 dean of the School of Medicine at the University of Utah, forward the body to the university, at
 150 [its] the university's expense, within 24 hours of receiving the dean's request.

151 ~~[(4) The delivered body shall be properly embalmed and preserved for not less than 60~~

152 ~~days. If a personal friend or relative of the deceased person requests the body for a private~~
153 ~~burial, during this time period, the person is given possession of the body.]~~

154 (4) The School of Medicine at the University of Utah shall, for a body it receives under
155 Subsection (3):

156 (a) properly embalm and preserve the body for at least 60 days; and

157 (b) upon request, release the body to a person with priority to control the disposition of
158 the body under Section [58-9-602](#).

Legislative Review Note
as of 1-21-15 8:52 AM

Office of Legislative Research and General Counsel