

HB0173S01 compared with HB0173

~~{deleted text}~~ shows text that was in HB0173 but was deleted in HB0173S01.

inserted text shows text that was not in HB0173 but was inserted into HB0173S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{RESCUE}~~ Representative Dixon M. Pitcher proposes the following substitute bill:

RECOVERY DOG TRAINING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dixon M. Pitcher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related ~~{to the custody of a}~~ an unclaimed dead body.

Highlighted Provisions:

This bill:

- ▶ allows the medical examiner to retain tissue from an unclaimed body in order to donate the ~~{body}~~ tissue 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:

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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:

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

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

(1) The executive director, with the advice of an advisory board consisting of the chairman of the Department of Pathology at the University of Utah medical school and the dean of the law school at the University of Utah, 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 Pathologists.

(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 26-28-122(3), retain tissues and biological samples;

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

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

(C) in order to donate the tissue or biological sample to a person 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

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death.

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

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 Section ~~26-4-25~~ is repealed and reenacted to read:

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

~~(1) Subject to the procedures~~ **the School of Medicine at the University of Utah -- Medical examiner may retain tissue for dog training.**

~~(1) Except as~~ described in ~~{Section 26-4-27}~~ ~~Subsections (2) or (3)~~, a county shall provide, at the county's expense, decent burial for an unclaimed body found in the county.

~~(2) {Subsection (1) does}~~ ~~A county is~~ not ~~{apply if,}~~ responsible for ~~decent burial of~~ an unclaimed body found in ~~{a} the county~~.

~~(a) {if the body is requested by the dean of}~~ the School of Medicine at the University of Utah ~~{requests the body}~~ under Section 53B-17-301 ~~{; or}~~

~~(b) {;~~

~~(3) For an unclaimed body that is temporarily in the medical examiner's custody before burial under Subsection (1), the medical examiner {retains}~~ **may retain tissue from the unclaimed** body ~~{ under Subsection 26-4-27(7)}~~ in order to donate the ~~{body}~~ **tissue** to a person for the purpose of training a dog to search for human remains. ~~{~~

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

~~26-4-27. Registry of unidentified deceased persons.~~

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

~~(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;~~

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~~—— (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) A county which has received a body to which Subsection (1) applies:~~

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

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

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

~~—— (3) Within 30 days of receiving a body to which Subsection (1) applies, the county shall inform the medical examiner of the disposition of the body including the burial plot. The medical examiner shall record this information in the file created and maintained under Subsection (1)(b).~~

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

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

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

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

~~—— (6) 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~~

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custody of the medical examiner.

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

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

Section ~~{4}~~3. Section **35A-3-401** is amended to read:

35A-3-401. General Assistance.

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

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

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

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

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

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

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

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

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

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

Section ~~{5}~~4. Section **53B-17-301** is amended to read:

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53B-17-301. Unclaimed dead bodies -- Notice to School of Medicine --

Preservation of dead bodies.

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

(1) ~~{The medical examiner}~~ A county shall, within 24 hours after assuming ~~{jurisdiction of an unidentified body}~~ custody of an unclaimed body for which the county is required to provide burial under Section ~~{26-4-27}~~ 26-4-25, provide notice of the ~~{jurisdiction}~~ county's custody of the body to the dean of the School of Medicine at the University of Utah.

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

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

~~[(4) The delivered body shall be properly embalmed and preserved for not less than 60 days. If a personal friend or relative of the deceased person requests the body for a private burial, during this time period, the person is given possession of the body.]~~

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

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

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

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Legislative Review Note

~~as of 1-21-15 8:52 AM~~

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~~Office of Legislative Research and General Counsel~~