

HB0173S03 compared with HB0173S02

~~text~~ shows text that was in HB0173S02 but was deleted in HB0173S03.

text shows text that was not in HB0173S02 but was inserted into HB0173S03.

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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 an unclaimed dead body.

Highlighted Provisions:

This bill:

- ▶ allows the medical examiner to retain tissue from an unclaimed body in order to donate the tissue to an individual 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

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) **for tissue from an unclaimed body, subject to Section 26-4-25,** 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

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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 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 Subsections (2) or (3), a county shall provide, at the county's expense, decent burial for an unclaimed body found in the county.

(2) A county is not responsible for decent burial 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 burial 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.

Section 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.

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(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 4. Section **53B-17-301** is amended to read:

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) A county shall, within 24 hours after assuming custody of an unclaimed body for which the county is required to provide burial under Section 26-4-25, provide notice of the 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]~~ Subject to Section 26-4-25, 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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